

KNOWING THE PRISONER AND KNOWING ONESELF:  
THE BASES FOR THE CONVICT-COUNSELOR RELATIONSHIP

An Abstract of a Field Report by  
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One of the difficult challenges to the helping professions is the high rate of crime and recidivism. Can prison counselors meet this challenge by establishing good relationships with their clients?

An investigation of primary and secondary source material illuminated this question. A counselor who is familiar with the problems in drawing inferences from crime statistics, aware of the kinds and proportions of crimes that occur, and examines the inmate population without preconceived stereotypes will be open to the uniqueness and humanness of his clients behind bars. In spite of these efforts, a beneficial relationship will be hampered if the helper holds beliefs which negate the humanity of the client, for beliefs have a way of making themselves felt through behavior; thus, honest self-examination is another prerequisite for a constructive relationship. Finally, research has uncovered techniques which enable the counselor to translate these attitudes into behavior.

In order to successfully apply these findings it is recommended that a more comprehensive study of the role of the counselor within the criminal justice system be undertaken, efforts be made to behaviorally define beneficial penal interactions, the number of helpers be increased, and follow-up studies be done on released helpees.

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A Field Report  
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The School of Graduate Studies  
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Master of Science in Education

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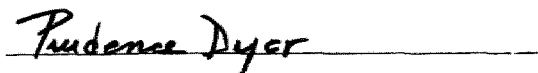
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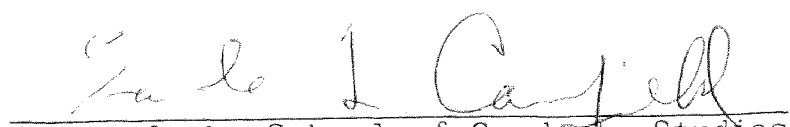
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## Chapter 1

### INTRODUCTION

In 1910, an author warned, "'Crime, especially its more violent forms, and among the young is increasing steadily and is threatening to bankrupt the Nation.'"<sup>1</sup> In 1967, President Lyndon Johnson established the Commission on Law Enforcement and Administration of Justice which found that little had changed in over half a century. The Commission indicated that the majority of criminals are recidivists (people convicted more than once) who are guilty of some form of theft.<sup>2</sup> The Commission pointed out, however, that people convicted for violent crimes are least likely to be repeaters.<sup>3</sup> Murder and rape, for example, were usually committed for personal reasons by people who

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<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: Government Printing Office, 1967), p. 23.

<sup>2</sup>President's Commission, op. cit., p. 45; see also C. Robert Cloninger and Samuel B. Guze, "Psychiatric Disorders and Criminal Recidivism: A Follow-Up Study of Female Criminals," Archives of General Psychiatry, XXIX (August, 1973), 266-269.

<sup>3</sup>President's Commission, loc. cit.

knew each other.<sup>1</sup> While this is still the case, murders in big cities are now committed more often than before by strangers,<sup>2</sup> usually in the process of a robbery.<sup>3</sup> Thus violent criminals are more likely to be repeaters than before.

Drug addicts are presumably responsible for "about 50%" of property crimes in big cities,<sup>4</sup> and "at least" 60% of all "serious" crime,<sup>5</sup> yet no penalty can deter drug addicts. Along with alcoholics, sex deviates and psychopaths, drug addicts have the highest recidivism rates.<sup>6</sup> Perhaps most disconcerting is that children 15-16 years of age have the highest arrest rate of any age group,<sup>7</sup> while juveniles (age 10-17) are estimated to be responsible for

<sup>1</sup>President's Commission, op. cit., p. 3.

<sup>2</sup>Selwyn Raab, "33% Slain in New York Don't Know Killer," New York Times, June 13, 1976, pp. 1, 60.

<sup>3</sup>Abe Fortas, "The Case Against Capital Punishment," New York Times, January 23, 1977, Magazine Sec., p. 9.

<sup>4</sup>Jessica Mitford, Kind and Usual Punishment (New York: Alfred A. Knopf, 1973), p. 279.

<sup>5</sup>Robert M. Hutchins, "The Limits of Law and Order," The Center Magazine, IV (May/June, 1971), p. 3.

<sup>6</sup>"Crime and Punishment in America," The Center Magazine, IV (May/June, 1971), p. 31; see also Selwyn Raab, "Stiff Antidrug Laws Held No Deterrent," New York Times, January 2, 1977, pp. 1, 46.

<sup>7</sup>President's Commission, op. cit., p. vi; see also Ramsey Clark, Crime in America (New York: Simon and Schuster, 1970), p. 240.

between 1/3 and 4/5 of all serious crimes,<sup>1</sup> some of which are sadistic in their wantonness.<sup>2</sup> What picture does all this add up to? The National Council on Crime and Delinquency estimated that over 1/3 of all inmates released between 1968 and 1974 were back in prison by the end of that period.<sup>3</sup> But this only includes those caught, convicted and incarcerated. The real recidivism rate may be as high as 80%.<sup>4</sup>

While rates for violent crime, especially among the young, were going up, and recidivism rates have maintained themselves at their shameful levels, prison administrators have been frantically trying one new "rehabilitation" project after another. Behavior modification programs were endorsed with much enthusiasm, but some shortly found themselves embroiled in litigation over due process issues.<sup>5</sup>

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<sup>1</sup>Jerrold K. Footlick, "Children and the Law," Newsweek, September 8, 1975, p. 66.

<sup>2</sup>"The Youth Crime," Time, July 11, 1977, pp. 19, 25; see also Ted Morgan, "They Think, 'I Can Kill Because I'm 14,'" New York Times, January 19, 1975, Magazine Sec., pp. 9-11, 16, 21-22, 24, 26, 28, 30, 32, 34.

<sup>3</sup>Tom Wicker, A Time to Die (New York: Quadrangle/The New York Times, 1975), p. 109.

<sup>4</sup>Ronald L. Goldfarb and Linda R. Singer, After Conviction (New York: Simon and Schuster, 1973), p. 11.

<sup>5</sup>James G. Holland, "Behavior Modification for Prisoners, Patients, and Other People as a Prescription for the Planned Society" (paper presented at the meeting of the Eastern Psychological Association, Philadelphia, April, 1974).

In a move toward community corrections, more halfway houses were opened.<sup>1</sup> Newer prisons have been under construction to replace the many that are over 100 years old;<sup>2</sup> some of these modern facilities are painted in cheerful colors, have "rooms" rather than cells, and even have golf courses.<sup>3</sup> Alternatives to traditional sentencing have been tried more often.<sup>4</sup> In-service training programs have attempted to further inmate-guard communication.<sup>5</sup> A few prisons have begun realistic employment and training opportunities.<sup>6</sup> Yet the recidivism rate is as high as ever and some

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<sup>1</sup>Victor L. Goetting, "Some Pragmatic Aspects of Opening a Halfway House," Federal Probation XXXVIII (December, 1974), 27-29.

<sup>2</sup>See Thomas Mott Osborne, Society and Prisons (Montclair, N.J.: Patterson Smith, 1975) for a discussion of prisons built half a century before this book originally came out in 1916, and which are still being used today.

<sup>3</sup>Gene Kassebaum, David Ward, and Daniel Wilner, Prison Treatment and Parole Survival (New York: John Wiley, 1971), p. 1.

<sup>4</sup>William B. Herlands, "When and How Should a Sentencing Judge Use Probation," Papers Delivered at the Institute on Sentencing for United States District Judges, Denver, Colorado, February 1964. U.S. Judicial Conference Committee on Administration of the Probation System (St. Paul, Minn.: West Publishing, 1964), 487-509. See also Val Clear and Scott Clear, "Horizons in the Criminal Justice System," Crime and Delinquency, XX (January, 1974), 25-32 for a more recent statement of these concepts.

<sup>5</sup>Joe Wittmer, James E. Lanier, and Max Parker, "Race Relations Training with Correctional Officers," Personnel and Guidance Journal, LIV (February, 1976), 302-306.

<sup>6</sup>[New York State Department of Correctional Services], Correctional Services News, March, 1976, pp. 1, 8, 12.



penologists seem to be giving up on the possibilities of rehabilitation.

What has gone wrong? Many answers are hypothesized. The hypothesis under consideration in this paper is that one crucial variable in this complex problem is the relationship between inmate and prison counselor. If a careful analysis of this variable were made, those aspects of the inmate-counselor relationship which affect recidivism rates might be uncovered. Clearly, the problem of recidivism is a multifaceted one with numerous suggested "causes." Many insist that crime will continue as long as unemployment is high among the poor and minorities. Others insist that such minority group crime does not result from poverty and unemployment. Some feel that violence is natural to mankind, others that personality disorders are responsible, and many others simply that crime pays. This last point seems paradoxical in light of the vast body of literature, both by objective reformers<sup>1</sup> and convicts themselves,<sup>2</sup> that prison is a living death. The explanation is that potential criminals either don't expect to get caught and punished<sup>3</sup> or else leave prison filled with acrimony so great that they only want to take vengeance on the society that

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<sup>1</sup>American Friends Service Committee, Struggle for Justice (New York: Hill and Wang, 1971).

<sup>2</sup>Eldridge Cleaver, Soul on Ice (New York: McGraw-Hill, 1968).

<sup>3</sup>"Crime and Punishment in America," loc. cit.

had hurt them so much. The few who may sincerely want to start life over find that they cannot get work<sup>1</sup> or are so socially ostracized that they give up and return to crime.

This is certainly a discouraging list of hurdles to expect a former felon to jump. Yet these are precisely the sorts of problems that members of the helping professions have been successfully dealing with for years. Helpers have assisted people in getting proper training to suit them for jobs;<sup>2</sup> they have also done community education and job development,<sup>3</sup> and they have even fortified job seekers with the necessary skills and stamina to get successfully through the job interview.<sup>4</sup> Counselors have enabled people to overcome major personality problems<sup>5</sup> and have been able to teach them that going "straight" has payoffs that are

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<sup>1</sup>Jonathan Kandell, "Sweden's Progressive Jails Failing to Curb Repeaters," New York Times, September 5, 1977, p. 4.

<sup>2</sup>Philip Polivchak, "A Lesson in Industry-Education Partnership," American Vocational Journal, XLIX (February, 1974), 49-52.

<sup>3</sup>Gopal C. Pati, Raymond D. Curran, and Gus Wilhelmy, "Operation DARE--Help for the Ex-Offender," Business Horizons, XVI (October, 1973), 51-57.

<sup>4</sup>Janice Arndt Prazak, "Learning Job-Seeking Interview Skills," Behavioral Counseling, eds. John D. Krumboltz and Carl E. Thoresen (New York: Holt, Rinehart and Winston, 1969), pp. 414-428.

<sup>5</sup>Teresa R. Boulette, "Some Effects of Operant Conditioning with a Mexican-American Male," The Crumbling Walls, eds. Roy E. Hosford and C. Scott Moss (Urbana, Ill.: University of Illinois Press, 1975), pp. 121-135.

more enriching than those obtained through crime.<sup>1</sup> Man has even learned that sharing, loving and giving are possible in the concentration camp.<sup>2</sup>

A precedent for succeeding in the face of incredible obstacles has thus been established by the helping professions. One wonders, then, why helpers have not been able to succeed in combating recidivism. In order to answer this question, it is useful to first understand the nature of the setting in which the helping is to occur. A considerable amount of descriptive literature exists about the prison. As mentioned earlier, one can find hopeful examples of reform measures occasionally, but the bulk of material is not so optimistic. Some writers deal with the prison's basic inhumanity.<sup>3</sup> Others point out that the goals of punishment and rehabilitation are incompatible, and therefore the institution is doomed to fail in achieving either one. Some writers claim that the task of smoothly running so vast an organization is almost impossible. This view is given weight by the many examples of poor lines of authority and communication.<sup>4</sup> Criminologists

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<sup>1</sup>Elery L. Phillips et al., "Achievement Place," Psychology Today, June, 1973, pp. 101-108.

<sup>2</sup>Viktor E. Frankl, Man's Search for Meaning (New York: Touchstone, 1959).

<sup>3</sup>Karl Menninger, The Crime of Punishment (New York: Viking Press, 1969).

<sup>4</sup>Rob Loney, "Counterpoint," In: A Magazine About Prisons, Fall, 1973 [Iowa City].

have not ignored the flaws in the remainder of the criminal justice system either, such as gross sentencing disparities.<sup>1</sup> And in the wake of prison violence, much has been written about the huge influence of politics on the prison's functioning.<sup>2</sup> No matter which position any authority takes, they all agree that the system is not working effectively to do what its name implies--to correct.

A second approach to understanding why helping professionals have not accomplished more in dealing with recidivism bears more directly on the counselor's activities within the prison. An examination of prison budgets reveals that there is more often a job slot for the psychiatrist than for other members of the helping professions, although there are very few psychiatrists.<sup>3</sup> Both the psychiatrist and the clinical psychologist have done a vast amount of research on the psychology of the inmate, as a look at Psychological Abstracts will show. There is some material on social work in the prison, but not much.<sup>4</sup>

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<sup>1</sup>Lesley Oelsner, "Burger Asks Review of U.S. Sentencing: Decries Disparities," New York Times, January 2, 1977, pp. 1, 26.

<sup>2</sup>Tom Wicker, A Time to Die (New York: Quadrangle/The New York Times, 1975).

<sup>3</sup>Mitford, op. cit., pp. 171, 176; see also Ludwig Fink, J. Peter Martin, and Gerald Burke, "Correctional Treatment of Offenders in the USA," International Journal of Offender Therapy and Comparative Criminology, XVI, No. 1 (1972), p. 39.

<sup>4</sup>Clemens Bartollas, "Sisyphus in a Juvenile Institution," Social Work, XX (September, 1975), p. 365.

Prison counseling literature, however, is so rare that general counseling texts often omit the area of corrections entirely; it has been referred to, in fact, as an "emerging field."<sup>1</sup> A partial answer to why helpers have not been able to combat recidivism begins to emerge: to date there has been a paltry number of helpers in the prison, and it would appear that a good deal of their time has been devoted to research.

Given that the recidivism rates have remained high --in spite of some attempts at rehabilitation programs--due to a vast array of factors which lie both outside and inside the prison itself, the crime problem will only be open to solution when each of these factors is carefully scrutinized. Further, in order to know the possible role of the prison counselor in the solution to this problem, his activities must be examined with respect to each of these factors. The outcome of such an analysis would give the helper specific guidelines which would enable him to act most effectively. On a larger scale, all of society would benefit from the pinpointing of crucial variables in the crime problem and also from knowing that its professional helpers are contributing to the solution.

In spite of the vital importance of such an undertaking, no such work or works have to date been written.

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<sup>1</sup>Robert A. Shearer, "Correctional Counseling and Therapy," Texas Personnel and Guidance Association Journal, II (September, 1973), 129-135.

Background material of value can be obtained through such treatises as that of Goldfarb and Singer,<sup>1</sup> and an excellent discussion of the main schools of thought on prescriptions for the prison is by Hawkins.<sup>2</sup> Sykes analyzes the inmate culture,<sup>3</sup> while Wright discusses incarceration as a political event.<sup>4</sup> Duffee and Fitch give an overview of corrections from a systems approach.<sup>5</sup> Specific observation of the helper within this milieu is almost non-existent. Halleck does give an interesting analysis of the psychiatrist's role,<sup>6</sup> but it is based on the medical model of treatment which has come under attack in recent years.<sup>7</sup> The Shearer<sup>8</sup> and Hardy and Cull<sup>9</sup> articles give short

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<sup>1</sup>Ronald L. Goldfarb and Linda R. Singer, After Conviction (New York: Simon and Schuster, 1973).

<sup>2</sup>Gordon Hawkins, The Prison (Chicago: University of Chicago Press, 1976).

<sup>3</sup>Gresham M. Sykes, The Society of Captives (Princeton, N.J.: Princeton University Press, 1958), pp. 8-9.

<sup>4</sup>Erik Olin Wright, The Politics of Punishment (New York: Harper Torchbooks, 1973).

<sup>5</sup>David Duffee and Robert Fitch, An Introduction to Corrections (Pacific Palisades, Cal.: Goodyear, 1976).

<sup>6</sup>Seymour L. Halleck, Psychiatry and the Dilemmas of Crime (New York: Harper and Row, 1967), p. 294.

<sup>7</sup>Thomas S. Szasz, Law, Liberty and Psychiatry (New York: Collier, 1963), p. 224.

<sup>8</sup>Robert A. Shearer, "Correctional Counseling and Therapy," Texas Personnel and Guidance Association Journal, II (September, 1973), p. 134.

<sup>9</sup>Richard E. Hardy and John G. Cull, "Group Counseling with Public Offenders," Group Counseling and Therapy

overviews of corrections counseling which only serve to whet the appetite for more concrete information. Hosford and Moss put together a fascinating compendium of programs, problems and procedures used in a particular prison in California, but only one or two articles begin to tie together the act of helping with the milieu in which that helping takes place.<sup>1</sup>

Perhaps the unavailability of a study of each component of the criminal justice system as seen through the eyes of the prison counselor simply stems from the magnitude of such a task. Nevertheless, such a project could be divided into manageable portions to be covered in smaller works. Of the whole project one could ask: How can the penal counselor best employ his efforts to reduce the recidivism rate? Each subarea would be directed towards gathering information necessary to answer this question. The concentration on one area within the larger question of recidivism and the counselor's role serves as a model for the many other subdivisions of this important question. That is, the examination of one aspect of the counselor's role set within the context of the prison presents a method for investigating each of the other aspects of the criminal

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Techniques in Special Settings, eds. Richard E. Hardy and John G. Cull (Springfield, Ill.: Charles C Thomas, 1974), pp. 71-72.

<sup>1</sup>Ray E. Hosford and C. Scott Moss, eds. The Crumbling Walls (Urbana, Ill.: University of Illinois Press, 1975).

justice system with which the counselor also makes contact.

The area chosen for scrutiny here zeroes in on the first and perhaps most important aspect of the helper's role within the correctional institution: his relationship with his counselee. No matter how divergent the theoretical frames of reference in the helping professions, representatives of all can be found to support the contention that the nature of the relationship between helper and helpee is crucial to the success of the treatment. Rogers was the first to say that the relationship in fact was the therapist's major contribution to treatment. That is, if the therapist sets the climate for client growth through his behavior, then the client would use that climate to grow in his own direction, at his own rate, into a healthier human being. Rogers termed that relationship in which therapist behaviors enabled the client to change in this way, "the helping relationship."<sup>1</sup>

Increasingly, people who subscribe to other schools of thought agree that relationship is important even if more directive methods are used within that relationship. Recently, behaviorists running halfway houses for juvenile delinquents stated, "Many clinical colleagues have told us all along that the 'relationship' is an essential component of any therapy. We are now convinced

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<sup>1</sup>See Carl Rogers, On Becoming a Person (Boston: Houghton Mifflin, 1961), esp. pp. 33-35.



that they are right." And, in the spirit of flexibility so necessary for the scientific growth of a profession, these applied psychologists went on to combine the concept of relationship with their objective behavioral outlook by breaking down the elements of "relationship" into concrete, "teachable" behaviors which they applied to the training of houseparents.<sup>1</sup> More research of this kind is most definitely needed.

Psychiatrists have also begun to state in the literature the importance of the kind of communication between therapist and patient, that is, the relationship. In an unusually frank discussion followed by an equally explicit editorial note, Bruce L. Danto, a psychiatrist, stated that the clinician "cannot sit back and stroke his beard in silence, waiting several years for the patient to say something meaningful."<sup>2</sup> In an editorial comment following the article, the editor said:

Therapists so often find it difficult to change the treatment method to which they have been conditioned, and they do not know how to fill the therapy time unless on the lookout for aggression or sex, dream analysis or unearthing childhood

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<sup>1</sup>Elery L. Phillips et al., "Achievement Place," Psychology Today, June, 1973, p. 106.

<sup>2</sup>Bruce L. Danto, "Psychiatric Treatment of Violent Patients in Private Practice," International Journal of Offender Therapy and Comparative Criminology, XIX, No. 1 (1975), p. 71; see also Edward M. Scott, "Treatment Successes with Criminals," International Journal of Offender Therapy and Comparative Criminology, XXI, No. 1 (1977), p. 16.

memories. Yet most patients, if allowed free rein, want to speak about their present reality, problems and achievements, and by strengthening the patients' positive aspects and their relation to reality, their abnormality and anxiety decrease. However, this has been deprecated as 'merely supportive' for so long that therapists are made afraid to be natural and use common sense.(1)

Rogers cites a research project in which several interning psychiatrists were followed up. It was found that those who saw "the schizophrenic in terms of the personal meaning which various behaviors had to the patient, rather than seeing him as a case history or a descriptive diagnosis" were more successful than those who didn't.<sup>2</sup> Thus there are a number of people spanning many theoretical approaches who subscribe to the view that the nature of the client-counselor relationship will have an impact on the results of treatment--or lack of such results.

It has been stated so far that crime, and in particular recidivism, is a serious problem, that rehabilitation methods have not appeared to be effective for many reasons that are not clearly understood by professionals, and that this lack of success is in spite of productive counselor efforts in similar areas. The proposed solution to this puzzle is a thorough analysis of the criminal justice system from the counseling perspective. This can be managed by dividing the task into smaller components. The

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<sup>1</sup>Danto, op. cit., ed. note, p. 74.

<sup>2</sup>Rogers, op. cit., pp. 42-43.

one chosen for study here is the relationship between counselor and prison counselee because the helping relationship is widely believed to be a critical variable in any helping situation. This paper should therefore meet two requirements: it should provide a model for further study of the criminal justice system from the counseling perspective and it should provide preliminary information towards understanding how the penal counselor can best employ his efforts to reduce the recidivism rate. The kind of preliminary information sought should answer the question: which aspects of the inmate-counselor relationship might ultimately affect recidivism rates?

The above question can be more easily managed by looking in turn at each of the three elements in the relationship: the client, the professional and the communication between them. In the case of penal counseling, the essence of each of these elements is not at all obvious. In fact, it would be only too easy for the counselor to fall into the trap of making inaccurate assumptions about who his clients are and then to inappropriately respond on the basis of those assumptions. It is therefore necessary to present as thorough a picture of each element as possible so as to avoid these pitfalls. For example, inmates are neither "just like anyone else"--at least in terms of the nature of their crimes and their socio-economic background--nor are they all vicious murderers. Yet, crime data splashed all over the pages of the newspapers give a

misleading impression as to the kinds and amounts of crimes that occur. Therefore, chapters 2-4 will attempt to dispel some of the stereotypes about the kind of counselee to be encountered behind bars. Chapter 2, "Statistics: Proceed with Caution," will take a hard look at the use of crime statistics in making inferences about confined criminals. Chapter 3, "Crime Categories," will cover the gamut of crimes that the FBI has labeled "serious"--and the serious crimes that are not included--in order to put punished crimes into perspective. Chapter 4, "The Inmate Population," attempts to paint a realistic sketch of the offender within the corrections milieu. These chapters, then, will assist the counselor in knowing the prisoner.

All this information will do little good, however, if the counselor passively absorbs institutional mores and treats his clients accordingly. It is necessary for him to question traditional approaches and even to question his own motives in order to respond effectively. Chapter 5, then, will "Focus on the Counselor." Finally, when the professional has honestly attempted to understand his counselee and to face himself, he is ready to put this knowledge into practice. Many of the specific behaviors necessary to do just this are presented in Chapter 6.

By close examination of the kinds of people who are incarcerated, a brave look in the counselor's mirror, and precise descriptions of those helping behaviors which successfully reach out to offenders, this paper presents the

unique components that make up the convict-counselor relationship. This will hopefully be useful to the counselor whose energies are employed in reducing recidivism rates.

## Chapter 2

### STATISTICS: PROCEED WITH CAUTION

Tom Wicker of the New York Times recently pointed out that statistics on crime "are notably tricky." To illustrate his point, he stated that the people in San Francisco were becoming more and more concerned about such alarming increases in crime rates as a 9.1% murder rate increase from November 1975 to November 1976. Of course, the people of San Francisco didn't realize that that statistic represented 12 murders in 1976 as opposed to 11 in the previous year.<sup>1</sup>

If the only problem with the use of statistics rested on the difficulty of translating percents into realistic absolute numbers, the problem might have been licked sooner. Unfortunately, it is far more complex than that. There are actually three ways in which crime rate statistics can be misleading. The first deals with the nature of the crimes included in the usual statistics; the second results from the fact that the statistics are based

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<sup>1</sup>Tom Wicker, "A City in Fear of Crime," New York Times, December 19, 1976. Sec. IV, p. 17.

on crimes reported rather than committed, and the third involves the difficulty of making sweeping generalizations from the statistics.

Crime statistics released by the FBI are based on seven crimes which have been lumped together as "serious" or "index" crimes--murder, rape, robbery, aggravated assault, burglary, larceny (theft equal to or more than \$50) and motor vehicle theft. When crime statistics are released, they generally refer to the index as a whole. If there is a rise in the index, people automatically assume that violent crimes have increased. Yet this is not so. Statistics on individual categories show, for example, that the murder and rape rate have remained fairly constant, and they constitute the smallest percentage of the index anyway. Even aggravated assault and robbery are quite a small percent of the index. In 1965 only 13% of the index crimes were violent. The real rise, in fact, comes from the other half of the index--property crimes. Of the three kinds of theft--robbery (use of force), burglary (breaking and entering) and larceny (stealing more than \$50 from a public area), the last is the most frequent kind.<sup>1</sup> And larceny, which is the least serious of the three categories, has probably increased largely because items which used to be

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<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: Government Printing Office, 1967), p. 4; see also New York Times, March 31, 1977, p. 18 for recent data.

categorized as petty thefts (under \$50) have gone up in price due to inflation.<sup>1</sup> The kind of larceny is also worthy of note. In 1963, 20% of all larceny was accounted for by stolen bicycles. It is of interest that bicycles are the only category of "toy" of which the FBI keeps a record. Another 60% of larcenies were property thefts from autos.<sup>2</sup> Apparently, the vast majority of crimes are the least violent. The most recent FBI statistics further indicate that violent crime rates decreased for 1976, and the total number of reported crimes leveled off from the preceding year--although theft increases made up for murder decreases.<sup>3</sup> Clearly, one cannot get an accurate crime picture without investigating the rate for each of the index crimes separately.

A second cause of misleading statistics reflects changes in reporting practices more than changes in crimes committed. A crime figure is a result of reporting at two levels, a change in either of which can alter an accurate reflection of the facts. The first is reporting to the police by the citizen, and the second is reporting by the police to the FBI or whichever central police unit compiles

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<sup>1</sup>Ramsey Clark, Crime in America (New York: Simon and Schuster, 1970), p. 53.

<sup>2</sup>Albert D. Biderman, "Social Indicators and Goals," Social Indicators, ed. Raymond A. Bauer (Cambridge, Mass.: M.I.T. Press, 1966), pp. 68-153.

<sup>3</sup>New York Times, March 31, 1977, p. 18.



data for a given city or area. To make matters worse, these two variables interact with each other considerably.

About 10 years ago, the National Opinion Research Center of the University of Chicago surveyed 10,000 American households at random to discover the difference between amount of crime that actually occurs and amount reported to the police. The survey concluded that three times more burglaries, two times more aggravated assaults and larcenies and 50% more robberies actually occurred than were reported to the police. Other surveys showed that unreported crime was as much as 10 times more than police had on record. When asked why they didn't report, interviewees most frequently replied either that they didn't believe the police could do anything, or that it was "a private matter."<sup>1</sup> Harvard Professor Lloyd E. Ohlin commented that even this huge number does not reflect the vast amount of unreported crime. Thefts such as robberies and burglaries are often not reported by building industries, trucking firms and other businesses.<sup>2</sup> Murder has the highest report rate of all crimes, yet such reporting cannot occur if the only person who knows of it is the perpetrator. Police

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<sup>1</sup>President's Commission, op. cit., pp. 21-22.

<sup>2</sup>Lloyd E. Ohlin, "The Effect of Social Change on Crime and Law Enforcement," The Challenge of Crime in a Free Society: Perspectives on the Report of the President's Commission on Law Enforcement and the Administration of Justice, ed. Leonard W. Levy (New York: Da Capo Press, 1971), pp. 24-36.

have recently found out that approximately 100 people have been killed in Houston, Los Angeles and Vacaville, California by unknown slayers.<sup>1</sup>

The implication of such gross non-reporting is that crime rates as known to analysts would be lower than crime incidence. Yet known rates have been going up. Is this because the incidence is so extraordinarily high as to offset non-reporting? Or, is the reason more spurious than that? During the same period that the President's Commission was gathering its data on non-reporting of crimes, the New York Times interviewed top police officials, statistical experts, sociologists, criminologists and civil libertarians to find out whether the tremendous increases in crime rates were because of much more crime in spite of gross non-reporting or whether the rate increases could be attributed to other factors. The experts claimed that, gross non-reporting observed by the President's Commission notwithstanding, there has been a significant increase in reporting by ghetto blacks, who have become more desirous of obtaining their rights. Further, muggers have left the ghetto to prey on white people. While white people had been unconcerned about or unaware of crime that was contained within the ghetto, they readily made reports when

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<sup>1</sup>Richard Lyons, "Fuzzy Crime Statistics: They Are So Inexact That the New Policies Are Impossible to Devise," New York Times, September 18, 1977, Sec. IV, p. 6.

they became the victims. Thus more black and white reporting has led to increased crime rates--and increased pressure on police.<sup>1</sup>

This increased pressure on the police compounds the statistical blur. Police began to strive for an improved professional image. In the 1950's police in New York and Chicago, for example, installed a new 3-digit central phone number to assist citizens in reaching them. This clearly affected rates. After one year of operation, reported burglaries were up 1300% and reported robberies increased by 400%.<sup>2</sup>

Police took yet another step to upgrade their image by making more of an effort to go to the trouble of writing out formal reports upon receipt of complaints. This supposedly minor step may have had a major impact on crime rates.<sup>3</sup> And, as an added step, they also began to get tough in filling out charge reports. For example, if a teenager forced another boy to give up his bicycle, it used to be a misdemeanor, but with an upgrading of charge classifications, it could be construed as larceny. If it was a very expensive bike, perhaps the police would record it as grand larceny. The Crime Analysis Unit in New York City

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<sup>1</sup>Murray Schumach, "Crime Statistics: A Numbers Game," New York Times, February 4, 1968, p. 58.

<sup>2</sup>Ibid.; see also Ohlin, op. cit., pp. 25-26.

<sup>3</sup>Ibid.

has been compiling city statistics since the 1950's, and Captain James Meehan of the Unit verified that reclassification of charges has in fact been the policy.<sup>1</sup>

What is the effect on the public due to these police efforts? Those who only read the papers and see the enormous jumps in rate statistics put added pressure on the police to do their job. Their alarm has indeed led to more and more professionalization--which, as just described, results in higher rates. This added police efficiency has been notable in the ghettos, where residents have been more willing than before to support pay raises, better training and improved resources for the police.<sup>2</sup> And those citizens who realize that higher rates have been the result of greater police efficiency have greater trust in the police than before. These people therefore more readily report crimes--and up go the statistics again.<sup>3</sup> The police couldn't possibly be too happy about the bad press these statistics produce and must certainly prefer at times to decrease their conscientiousness in filling out reports and pursuing complaints.<sup>4</sup> One wonders whether a given precinct, proud of its role, does a thorough job of form filling and conscientiously follows up complaints, while another

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<sup>1</sup>Schumach, loc. cit.

<sup>2</sup>Ohlin, op. cit., pp. 26-30; see also Schumach, loc. cit.

<sup>3</sup>Ibid.      <sup>4</sup>Ibid.

precinct has buckled under to community ire at rising rates by not reporting all citizen calls.

This last point introduces the third source of confusion in crime statistics: generalization of information. The Justice Department, for example, supports a total of 54 systems covering 17 divisions, bureaus and boards, all of which happily spew out statistics. Are they all gathered with uniformity in follow-up of complaints, report filing, et cetera? One has cause for doubt. Yet how many town police departments are affected by one division, bureau or board, and how many by another?<sup>1</sup> As the book which reviewed the President's Commission report queries: "If there are twenty instances of excessive use of force by police in 5,339 police-citizen encounters observed in three cities, what nation-wide projections can be made as to the extent of the brutality?" And what conclusions can one draw about any city in the country?<sup>2</sup>

The difficulties in using published reports can be illustrated by an example or two from the newspapers. Local statistics in New York City recently revealed the startling information that the crime rate in 1976 rose to the highest

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<sup>1</sup>Richard Lyons, "Fuzzy Crime Statistics: They Are So Inexact That the New Policies Are Impossible to Devise," New York Times, September 18, 1977, Sec. IV, p. 6.

<sup>2</sup>Leonard W. Levy, ed., The Challenge of Crime in a Free Society: Perspectives on the Report of the President's Commission on Law Enforcement and the Administration of Justice (New York: Da Capo Press, 1971), p. 16.

in the 45 years of police statistics recording in every neighborhood except Harlem and the South Bronx (inner city areas). How can this be explained? In reading the article further, one learns that police clampdowns in drug traffic plus the use of citizen patrols may have helped reduce the Harlem rate. As for the South Bronx, a good portion of it is burned out. The rate increase in other neighborhoods can be explained by the fact that there have been "population shifts"; that is to say, a lot of the people who left the South Bronx moved elsewhere. All this sounds like a high-level analysis of the statistics. It is only upon reading the article carefully that one catches the important information: statistics aside, the absolute rate in Harlem and the South Bronx was still 4-5 times higher than in middle-income neighborhoods.<sup>1</sup>

A second example: the national crime rate dropped last year. Why? Some people might suggest that the number of 15-21 year olds--those who commit the most crimes--has begun to decrease. But, between 1974 and 1975, there was a less than 1% increase in this age group, and "crime" increased 10%. Perhaps it was deterrence, some suggest hopefully. But, no--in previous years the number of people in prison increased but crime rates rose. The conclusion

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<sup>1</sup>Selwyn Raab, "Sharp Rise Reported for Serious Crimes in All Five Boroughs," New York Times, April 10, 1977, pp. 1, 32.

given in the article is that no one knows how to interpret this drop in crime rate.<sup>1</sup>

The above discussion has shown that, when using statistics, one should proceed with caution. If one is reading national index crime figures, it must be remembered that these are a compilation of data on several violent--and non-violent crimes. Rates are also dependent upon citizen reporting and upon police efficiency and thoroughness. And any figures are bound to be summaries of complex events that are certainly difficult to summarize--or to generalize from. It is for these reasons that the FBI itself warned against attempting to compare rates from year to year.<sup>2</sup>

If one could easily make grossly inaccurate inferences from crime rate statistics, then how does recidivism rate--of most interest to the counselor--fare? A rereading of recidivism figures presented in chapter 1 of this paper shows that all statements are qualified as being "estimates," and the range of those estimates is exceedingly large. Why? The most obvious answer is that recidivism rates are based on those slippery crime rates. But this is only the beginning. As will be discussed in more detail

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<sup>1</sup>New York Times, April 8, 1977, p. 10.

<sup>2</sup>Albert D. Biderman, "Social Indicators and Goals," Social Indicators, ed. Raymond A. Bauer (Cambridge, Mass.: M.I.T. Press, 1966), p. 114.

later, most perpetrators do not get caught. If someone is caught for the first time, is that necessarily his first offense? His word is the only evidence. Suppose he is an ex-convict. It is at least his second offense, but how many other ex-convicts "got smarter" in prison and, as a result, do not get caught? As yet, there are no answers. If only some of these unknowns were discovered, Willmer, a mathematical criminologist, believes, a reasonable estimate could be made using probability distribution equations.<sup>1</sup>

The most important thing a counselor interested in forging a helping relationship can do is to reach out to the client, person to person. Yet, for the prison counselor, doing this is particularly difficult because it requires casting aside misconceptions obtained through the daily media and more professional but often equally inaccurate sources. Unfortunately, the counselor may have little information about the sorts of people he will encounter behind bars other than crime rates, recidivism rates and demographic rates. As much as he wishes to grasp hold of these statistics in order to provide some footholds in uncharted territory, he should not grasp too strongly, for doing so may make it hard to later accept new and contradictory information which may be more accurate.

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<sup>1</sup>M. A. P. Willmer, "On the Estimation of the Number of Persons Entering and Leaving Crime Annually," Journal of Research in Crime and Delinquency, VII (July, 1971), 175-181.



The pitfalls of attempting to draw conclusions from publicized crime rate statistics have been presented in this chapter. As the next chapter will show, it would be equally fallacious to assume that the prison population presents a representative sample of people who commit all possible crimes. The next chapter will discuss the wide range of committed crimes and the small proportion with which the criminal justice system routinely deals.

## Chapter 3

### CRIME CATEGORIES

For purposes of classification, all crimes have been categorized in this chapter as follows: (1) serious crimes as recorded by the FBI and for which an adequate representative sample of perpetrators can be found in prison; (2) crimes which are not included with the "serious" ones by the FBI, called "victimless," and which also have sizeable representation within the penitentiary or jail, and, finally, (3) crimes which certainly are serious but for which the FBI does not even record data nor have a significant sample serving time.<sup>1</sup>

### SERIOUS CRIMES

The first category listed above refers to the seven index crimes discussed in the preceding chapter. Examination of this category serves as a good introduction to the next chapter of this paper--"The Inmate Population"

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<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: Government Printing Office, 1967), p. 4.

--because the bulk of this population is made up of people who commit index crimes.

An analysis of index crimes from a statistical point of view is very difficult for the reasons discussed earlier, yet if statistics are used with an awareness of their limitations in mind, they can present a rough summary of a situation. In order to prevent the meaningless use of noncomparable statistics, New York City has been chosen as representative of big cities, and the statistics here originated from sources within it. Although one might be tempted to think that crime in New York is too high for this city to be representative, it is actually only eighth among the 10 cities with the highest homicide rate and ranks third for index crimes in general. (The cities in order of index crime rate are: Detroit, Dallas, New York, San Diego, Los Angeles, San Antonio, Baltimore, Houston, Chicago and Philadelphia).<sup>1</sup>

The statistics on juveniles (age 10-17) are useful both to get an understanding of the usual course of a career in crime and especially for those counselors interested in placing their greatest efforts in institutions for the young. Juveniles have the highest arrest rate for all crimes. They are becoming more violent, although not as

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<sup>1</sup>Leonard Buder, "Half of 1976 Murder Victims Had Police Records," New York Times, August 28, 1977, p. 34; see also New York Times, April 8, 1977, p. 10.

much as their older counterparts,<sup>1</sup> and only a small number of youths are responsible for the bulk of the crime.<sup>2</sup> Yet this number continues criminal activities into adulthood.<sup>3</sup>

Most of the criminals under consideration are minority group members from impoverished ghetto areas.<sup>4</sup> They are arrested for property crimes for the most part, but violence is not uncommon. To illustrate the former, last summer, New York City suffered a blackout. Within minutes, stores throughout the ghetto areas of the city were ransacked, causing millions of dollars of destruction. The looters conformed to the racial and age patterns mentioned earlier, although more of them were employed than is usual for an equivalent number of thieves arrested--and, not surprisingly, nearly 2/3 had records.<sup>5</sup> Violent crimes do not appear to be related to poverty. They may take the form of vicious assault on teachers,<sup>6</sup> or they may involve

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<sup>1</sup>Ramsey Clark, Crime in America (New York: Simon and Schuster, 1970), pp. 240-241.

<sup>2</sup>James Q. Wilson, "Lock 'Em Up," New York Times, March 9, 1975, Magazine Sec., p. 44.

<sup>3</sup>Ramsey Clark, op. cit., p. 55.

<sup>4</sup>Murray Schumach, "Crime Statistics: A Numbers Game," New York Times, February 4, 1968, p. 58.

<sup>5</sup>Steven R. Weisman, "City Constructs Statistical Profile in Looting Cases," New York Times, August 14, 1977, pp. 1, 32; see also New York Times, August 9, 1977, p. 34.

<sup>6</sup>Steve Dunleavy, "Pupils Beat Up 132 Teachers," New York Post, October 31, 1977, pp. 1, 5.

the apparently senseless murder over a \$2 repair job on a bicycle.<sup>1</sup>

A summary of the murder statistics for New York City includes these data: while about 80% of murders throughout the country occurred between people who knew each other, especially family members, and this was true of New York City until the current decade, this figure has been reduced for New York to 66% because of more street muggings by strangers.<sup>2</sup> Of the 2/3 who knew each other, more than half were killed in an argument, and, interestingly enough, more than half of these victims themselves had police records, usually for drugs, robbery and assault, in that order.<sup>3</sup>

Of the remaining 16% slain, some murders are unsolved or not understood, and the remaining are quite bizarre. Many are committed within the family, such as mothers killing their children in order to "save" them from a lousy world, for example,<sup>4</sup> and the rest appear even less explicable and more pathological. Attacks on the elderly

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<sup>1</sup>Dorothy Gallagher, "A Murder in Morningside Park: After the Verdict, a Juror Returns to the Scene," New York Times, August 28, 1977, Magazine Sec., pp. 26, 28.

<sup>2</sup>Selwyn Raab, "33% Slain in New York Don't Know Killer," New York Times, June 13, 1976, pp. 1, 60.

<sup>3</sup>Buder, op. cit., pp. 1, 34.

<sup>4</sup>Ellen Rosenblatt and Cyril Greenland, "Female Crimes of Violence," Canadian Journal of Criminology and Corrections, XVI (April, 1974), 173-180.

have been given much publicity lately and it is not possible to know how violent they all have been. The brutal rape and murder of elderly ladies is not uncommon.<sup>1</sup> In family violence typical of these infrequent bizarre incidents, a man beat up his foster brother's wife, seven children and a niece and then set fire to the house, killing them all.<sup>2</sup> One of the most recently well known of these irrational murderers stalked New York for over a year, searching for attractive young women as targets, and killing six before he was caught.<sup>3</sup> Of course, the most disturbed people may be placed in the division for the criminally insane and the counselor would not encounter them. Yet because the issue of legal insanity is a focus of debate, it is conceivable that such a person might be found in the general convict population.<sup>4</sup>

Unlike the pathological incidents described above, the victims of the more usual crimes discussed here are quite similar in many respects to their perpetrators--young, poor and black.<sup>5</sup> In some cases unexpected varia-

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<sup>1</sup>Murray Illson, "2 Men Convicted of 3 Rape-Killings of Elderly Women," New York Times, December 19, 1976, Sec. IV, p. 43.

<sup>2</sup>Diane Henry, "Ex-Convict Charged in 9 Slayings in Fire," New York Times, July 24, 1977, pp. 1, 23.

<sup>3</sup>New York Post, August 11, 1977, pp. 1, 29.

<sup>4</sup>Thomas S. Szasz, Law, Liberty, and Psychiatry (New York: Collier, 1963).

<sup>5</sup>Buder, loc. cit.

tions are to be found. According to estimates made by the New York Times, in the blackout looting, most of the victims were also black, but were middle or even upper class people who had "made it" out of the ghetto.<sup>1</sup> Shall we conclude that blacks commit such an overwhelmingly large proportion of crime? According to former U. S. Attorney General Ramsey Clark, "Negroes are arrested more frequently on less evidence than whites and are more often victims of mass or sweep arrests," thus they are subject to double victimization, first in their unsafe neighborhoods, and then by the police.<sup>2</sup>

All the data on age, race, type and rate of crime give the prospective helper a rough approximation of the background of the majority of the people to be found behind bars. The sizeable minority, surprisingly, is composed of people who commit "victimless" crimes.

#### VICTIMLESS CRIMES

"Victimless" crimes have been termed as such not because there is no victim but because the immediate victim is the perpetrator. Included in this category are prostitution, vagrancy, gambling, disorderly conduct, drunkenness,

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<sup>1</sup>J. Bruce Llewellyn and Adam Walinsky, "Blackout Lessons," New York Times, July 31, 1977, Sec. IV, p. 17; see also Orde Coombs, "The Trashing of Le Mans: The New Civil War Begins," New York, August 8, 1977, pp. 43-45.

<sup>2</sup>Ramsey Clark, op. cit., pp. 50-51.

abortion and the use of narcotics.<sup>1</sup> About half of all arrests are in the victimless classification, and a large minority of prisoners are incarcerated for these crimes.<sup>2</sup>

One may wonder why such offenses as drunk driving would mandate a four year prison term,<sup>3</sup> or why prostitution is so severely punished when many prison administrators agree that women are often "driven to it by circumstances."<sup>4</sup> The question takes on more weight when it is realized that the criminal justice system is greatly overloaded by these cases,<sup>5</sup> and, worse yet, that these types of crimes are less susceptible to influence by penalties than are "serious" crimes.<sup>6</sup> For example, the man who received the four year term for drunk driving mentioned above did so because he was a repeater,<sup>7</sup> but it is not at all clear that he would "reform" this time while under confinement.

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<sup>1</sup>"Crime and Punishment in America," The Center Magazine, IV (May/June, 1971), p. 28.

<sup>2</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: Government Printing Office, 1967), p. 3; see also Robert M. Hutchins, "The Limits of Law and Order," The Center Magazine, IV (May/June, 1971), pp. 3-4.

<sup>3</sup>Tom Wicker, A Time to Die (New York: Quadrangle/New York Times, 1975), p. 62.

<sup>4</sup>Jessica Mitford, Kind and Usual Punishment (New York: Alfred A. Knopf, 1973), p. 25.

<sup>5</sup>President's Commission, loc. cit.

<sup>6</sup>Samuel B. Guze, Donald W. Goodwin and Bruce L. Crane, "Criminal Recidivism and Psychiatric Illness," American Journal of Psychiatry, CXXVII (December, 1970), 832-835.

<sup>7</sup>Wicker, loc. cit.



The answer given by many experts is that these crimes do indeed have victims other than oneself. As one police chief pointed out, prostitution "'inevitably'" leads to stealing and physical abuse,<sup>1</sup> and members of the President's crime commission agreed that gambling exists for the financial benefit of organized criminals, and therefore it too is hardly innocuous.<sup>2</sup> In fact, careful inquiry reveals that each of these "victimless" crimes is tied to a more powerful person or organization which profits from the offender's indulgences while remaining relatively immune to retribution. Stiffer penalties for narcotics use have been evaded by untouchables in the upper echelons of drug traffic who employ minors as "runners,"<sup>3</sup> and pimps whose successful recruitment of Minneapolis girls for streetwalking in New York City have been impervious to police clampdown efforts.<sup>4</sup>

The fact that the perpetrator usually needs rehabilitation rather than imprisonment has led to a call for a "decriminalization alternative" for those crimes. The fact

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<sup>1</sup>Selwyn Raab, "Sharp Rise Reported for Serious Crimes in All Five Boroughs," New York Times, April 10, 1977, p. 1.

<sup>2</sup>President's Commission, p. 5.

<sup>3</sup>Selwyn Raab, "Stiff Anti-Drug Laws Held No Deterrent," New York Times, January 2, 1977, pp. 1, 46.

<sup>4</sup>Selwyn Raab, "Pimps Establish Recruiting Link to the Midwest," New York Times, October 30, 1977, pp. 1, 21.

that the ringleaders appear to be beyond the pale of usual criminal justice procedures implies the need for different approaches to the problem. For the helping professional this means that a great number of counselees are incarcerated for "victimless" crimes and that nearly all of these offenders are there because the criminal justice system found it easier to apprehend and convict them than their more powerful cohorts. Just as the counselor should not expect to find an overwhelming number of rape murderers among those felons under sentence for index crimes, neither should he expect to see too many Mafia godfathers in the victimless category.

#### UNPUNISHED CRIMES

Mafia dons, in addition to white collar criminals and government agencies responsible for theft, destruction, or even death<sup>1</sup> have been placed in a category which includes crime that is indeed serious, yet due to many factors not possible to describe here, remain relatively unprosecuted. As a consequence of this, the helper will not encounter many of them among the felon population.<sup>2</sup>

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<sup>1</sup>For fascinating background material necessary to sharpen the helper's perspective, see Thomas Whiteside, "Annals of Crime: Dead Souls in the Computer--I," New Yorker, August 22, 1977, pp. 35-65; see also Helen Dudar, "The Price of Blowing the Whistle," New York Times, October 30, 1977, Magazine Sec., pp. 41-43, 46, 48-50, 52, 54.

<sup>2</sup>Ramsey Clark, op. cit., p. 49.

And just because they do not serve time, there is a basis for sympathy with the incarcerated convict who claims "the system" to be unfair. This and many other issues related to the justice in the system are worthy of counselor attention, if for no other reason than to better understand the counselee.

In this chapter, the point was made that because the criminal justice system places a different negative value on different kinds of crimes, some kinds such as index and victimless crimes will have higher representation among the offender population than others such as government negligence, white collar and organized crime. Of those people under sentence for index crimes, the majority are minority group youth who steal, while violent crimes are generally perpetrated on people known to the offender. With the counselor's knowledge of the kinds and proportions of crimes committed and the kinds selected for process by the system, he will not be surprised at the representation of offenders to be found within the inmate population, which will be discussed in the following chapter.

## Chapter 4

### THE INMATE POPULATION

The helper, now armed with the latest crime information and statistics--and their caveats--should be ready to step into the prison. An overall look at the inmate population, which will be called "Demography," will be followed by a more psychological appraisal and an account of selected individuals, called "Personality." The prison community also has its own norms, language, and ways of relating. It is just as important for the helper to be aware of these unwritten rules as it is to understand the nature of the particular client residing in that community. This chapter therefore will close with a discussion called "Culture."

### DEMOGRAPHY

The statistics in the "Crime Categories" chapter gave a rough picture of the kinds of crimes and backgrounds of prospective counselees. There is no one-to-one relationship, however, between being apprehended and being sent to prison. In general, the number of people behind bars for index crimes is much smaller than the number of perpe-

trators on the outside; that is, for approximately every 100 index crimes committed about half are reported, 12 people are arrested, only six are convicted, and 1.5 are incarcerated.<sup>1</sup> This picture is complicated by the fact that the proportions vary with the type of crime. For murder, which has the highest resolution rate, only 1 in 4 are convicted after elimination of people because about only 2/3 of those arrested are prosecuted and again half of these result in convictions, after which a significant number are again eliminated through plea bargaining. For burglaries only 1 in 5 of the reported incidents result in arrest. Attrition leads to one conviction in 12 reported, or perhaps as much as one conviction for every 150 burglaries. For robbery, the ratio is 12 reported to one convicted.<sup>2</sup> One can conclude that the number of thieves in the prison population is proportionately less than is indicated by the number of thefts that occur, and this is so. Yet the overwhelming majority of convicts are thieves.<sup>3</sup> Clearly, the gory news reports of violence imply an exaggerated number of violent people behind bars. As an Indiana

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<sup>1</sup>President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: Government Printing Office, 1967), p. 4; see also "Crime and Punishment in America," The Center Magazine, IV (May/June, 1971), p. 10.

<sup>2</sup>Ramsey Clark, Crime in America (New York: Simon and Schuster, 1970), p. 46.

<sup>3</sup>President's Commission, loc. cit.

convict put it, although there is a sizeable number of "lifers" in his prison, the proportion of these is small. "My fellow convicts are for the most part petty and nuisance thieves . . . drug store robbers, filling station burglars, and purse snatchers." He concludes, "even the few habitual criminals I know are serving time for three or four 'lesser' felonies."<sup>1</sup>

An example of the last point--which makes the criminal justice system look ridiculous--is the case of William Rummel, the Texas prisoner who had been convicted on previous occasions for an \$80 purchase on a stolen credit card, a \$29.36 check forgery, and pocketing a \$120.75 "payment" for which he never did the work. Because Texas law requires a life sentence for a third felony offense, this individual is now serving life for these crimes but is attempting to appeal.<sup>2</sup> In addition to "dangerous recidivists" of this kind, there are more alcoholics, drug users, epileptics and schizophrenics than in free society.<sup>3</sup> These conviction rates, however, parallel arrest rates for index crimes discussed in the "Crime Categories" section.

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<sup>1</sup>H. Jack Griswald et al., An Eye for an Eye (New York: Holt, Rinehart and Winston, 1970), p. 212.

<sup>2</sup>New York Times, November 13, 1977, p. 60.

<sup>3</sup>Loren H. Roth and Frank R. Ervin, "Psychiatric Care of Federal Prisoners," American Journal of Psychiatry, CXXVIII (October, 1971), 424-430; see also Griswald, op. cit., p. 51.

The counselor can expect the remaining demographic description of arrested suspects to also be borne out in prison. According to the Census Bureau, the average prisoner has fewer school years completed and includes more laborers and single people than in the general population.<sup>1</sup> In an Arkansas prison, literacy tests showed that out of 300 men, there were two with college degrees, a few with some high school, but there were "four who knew only their ABC's, about fifty-five functional illiterates and forty men who were just beyond the 'see Dick run' stage."<sup>2</sup> The data on convicts of Indiana prisons show that about half made it through elementary school but less than 20% finished high school.<sup>3</sup>

The figures on incarcerated minority group members are equally cheerless. Based on Census Bureau statistics, Erik Olin Wright estimates that as many as six times more blacks than whites are in prison at any given time.<sup>4</sup> Whether this is due to the fact that they have actually committed more crimes or that they were victimized by racial prejudice cannot be determined. Clearly, one should not

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<sup>1</sup>President's Commission, op. cit., p. 45.

<sup>2</sup>Tom Murton and Joe Hyams, Accomplices to the Crime (New York: Grove Press, 1969), p. 106.

<sup>3</sup>Griswald, op. cit., p. 85.

<sup>4</sup>Erik Olin Wright, The Politics of Punishment (New York: Harper Torchbooks, 1973), p. 32.

assume either possibility as the cause. Nevertheless, Wright concludes that "by the time a black man in America is twenty-five years of age (perhaps even earlier) he has in all probability had some serious encounter with the criminal justice system, and there is a good chance he has spent some time behind bars."<sup>1</sup>

Three examples have been selected which may or may not conform to the demographic features of the average convict population discussed above. As a first example,

In 1971, 54 percent of [Superintendent at the Attica, New York prison, Vincent R.] Mancusi's charges were black, 9 percent were Puerto Rican. Forty percent of all inmates were under 30 years of age, 62 percent had been sent up for violent crimes, and nearly 70 percent had done time before, either in a state, federal or local 'joint.' Almost 80 percent were [urban, coming] from New York, Buffalo, Rochester, and Syracuse . . . .(2)

As a second example, around 1975, the Federal Correctional Institute at Lompoc, California was composed mainly of felons between 18 and 26 years old of whom 20% were black, 20% Chicano, 5% Indian and the rest white."<sup>3</sup>

The third example is California Men's Colony East, which is supposedly representative of California prisons in general around 1971. Of the population of 968 men,

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<sup>1</sup>Wright, op. cit., pp. 33-34.

<sup>2</sup>Tom Wicker, A Time to Die (New York: Quadrangle/New York Times, 1975), p. 7.

<sup>3</sup>Ray E. Hosford and C. Scott Moss, eds., The Crumbling Walls (Urbana, Ill.: University of Illinois Press, 1975), p. xi.



only 4% had no previous record; almost 2/3 originally became entangled with the law as juveniles. Their current sentences were for forgery, bad checks, burglary and drug charges. They were urban and of working class background. Over half had completed 8th grade, including 14% who had finished high school, and about half were black, Mexican or belonged to another minority group.<sup>1</sup>

The portrait presented so far depicts convicts as being young minority group members, poorly educated, and serving time for property offenses for the most part. The prospective helping professional may wonder how these clients compare emotionally to their non-incarcerated clientele.

### PERSONALITY

Whereas some experts believe that felons have the same degree of emotional stability as their free counterparts,<sup>2</sup> other research indicates that this is not the case. In one study inmates with juvenile records were found to be more hostile, had more disciplinary problems and were less

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<sup>1</sup>Gene Kassebaum, David Ward, and Daniel Wilner, Prison Treatment and Parole Survival (New York: John Wiley, 1971), pp. 28-29.

<sup>2</sup>Henry Barnes and Negley K. Teeters, New Horizons in Criminology (3rd ed.; Englewood Cliffs, N.J.: Prentice-Hall, 1959), p. 7, cited in Jessica Mitford, Kind and Usual Punishment (New York: Alfred A. Knopf, 1973), p. 96.

motivated than their non-juvenile-record peers.<sup>1</sup> Other counseling researchers have also called convicts "suspicious," acting out, uncontrolled, unplanful, with a "significant" number being mentally ill.<sup>2</sup> This negative appraisal by some researchers is mirrored by inmates themselves in a study in which prisoners rated themselves and others on a Semantic Differential Scale. They gave themselves high rank while reserving the lowest ratings for other inmates--along with police and guards.<sup>3</sup> As an offender elsewhere put it, "Convicts as a group are notoriously shallow; they are full of natural pretense and rationalization."<sup>4</sup>

The offender's perception of his criminal activities seems to also be the subject of controversy. In the study just cited, inmates stated that they knew they had committed criminal offenses.<sup>5</sup> Seymour Halleck, a noted

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<sup>1</sup>Allan V. Roe, Robert J. Howell, and I. Reed Payne, "Comparison of Prison Inmates with and without Juvenile Records," Psychological Reports, XXXIV (June, 1974), 1315-1319.

<sup>2</sup>Richard E. Hardy and John G. Cull, "Group Counseling with Public Offenders," Group Counseling and Therapy Techniques in Special Settings, eds. Richard E. Hardy and John G. Cull (Springfield, Ill.: Charles C Thomas, 1974), pp. 68-79.

<sup>3</sup>Dae H. Chang, Charles H. Zastrow, and Donald L. Blazicek, "Inmates' Perception of Significant Others, and the Implications for the Rehabilitation Process," International Journal of Criminology and Penology, III (February, 1975), 85-96.

<sup>4</sup>Griswald, op. cit., pp. 118-119.

<sup>5</sup>Chang, loc. cit.

psychiatrist in the field, indicated that criminals see themselves instead as victims of society.<sup>1</sup> Apparently both convicts and researchers have made negative and positive appraisals of inmate maturity and assessment of criminal behavior.

One way of resolving this conflict is to assume that the people in question are operating from two entirely different premises. Those who evaluate the offender as being "hostile," etc., see offenders as either having personality problems which are highly correlated with crime, or as not having the skills to cope with a difficult situation. In other words, the problem lies solely within the convict himself. On the other hand, those who view the convict as "normal" believe that the average person when confronted with the conditions which face the criminal would behave in the same way. That is, the first group appears to place greater emphasis on the behavior of the convict than on his environment. While these investigators may be aware of the difficult conditions in the prison as well as in their original environment, they believe that the inmate ought to be able to adapt to these conditions; that, in fact, "normal" people would make this adaptation. The second group seems to recognize the fact that environmental factors play an overwhelmingly large role in

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<sup>1</sup>Seymour L. Halleck, Psychiatry and the Dilemmas of Crime (New York: Harper and Row, 1967), p. 285.

producing the behavior under observation. While this approach need not go so far as to "excuse" the behavior, a recognition of the interplay of all variables gives the practitioners in this group a wider range of choice in their treatment approaches. They need not restrict themselves to helping the inmate to adapt--although they may ultimately decide that that is the best choice--but they can also direct energies towards changing the conditions both inside and outside of the prison which make for crime.

An explanation for the conflicting self images of felons would follow in the same vein. Assuming that in both cases the felon is not trying to "con" the researcher into believing that he has different beliefs than those stated--which could be entirely possible--those who recognize themselves as criminals must have believed that other options were open to them: perhaps they are "sorry" for their crimes. Those who reportedly saw themselves as victims recognize the role that social forces played before their incarceration which they believe left them no other choice.

Both the helper's evaluation of his counselee's behavior and the self image of the counselee will clearly affect the client-counselor relationship. The helper will be best able to make an accurate evaluation of his client's behavior when he has the greatest perspective on its nature, origin, etc.

Some perspective on the nature of the criminal can be obtained within the context of the present discussion by departing from a presentation of the "usual" prisoner, and to introduce instead a few people with character traits that one might not have expected to find in incarcerated felons.

One nameless prisoner in a book of interviews began his career with drugs and committed most of the index crimes excluding rape and murder. Somewhere along the line he decided that educating himself would be a way of getting extricated from his vicious cycle of crime and conviction. He began to read avidly and taught himself to be an electrician. He was able to practice his newly acquired skills in the prison and hoped to be able to do so when he got out.<sup>1</sup>

Two prisoners whose numbers rather than names are given are the subject of discussion elsewhere. One was serving a life sentence for second degree murder; the other, a long term for grand larceny. Both had long records; both had frequently been the subjects of prison discipline. Eventually they were assigned to a minimum security road camp connected with Auburn prison (New York). While working they were frequently encountered by an 11-year-old girl and her 14-year-old brother who crossed that road on

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<sup>1</sup>Robert Harsh, "Inside Attica," Christianity and Crisis, XXXII (May 29, 1972), pp. 127-130.

their way to school. The children always looked glum but slowly began to return the convicts' greetings. Eventually, the convicts broke through the youngsters' ice enough to learn that they had been farmed out by their remarried father to a neighbor who starved and ill-treated them. The boy was planning to steal enough money from his caretaker to run away. The convict became greatly alarmed and cornered the researcher, begging him to save the children from "following along in our tracks, straight into the state prison."<sup>1</sup> (The father was duly advised; he checked on his children and moved them to a better situation.) This episode was originally published in 1916. The effort to avoid stereotyping prisoners seems to have a long history.

Several personalities came to public attention as a result of the 1971 riots in the Attica prison (New York). One was Roger Champen, a black convict who began with drugs and finally was serving a long stint. After 13 years he had not only rid himself physically and mentally of his addiction but became a self-educated jailhouse lawyer, of which there are a number in prison. He read law and history voraciously in his lonely cell hours and taught prison law classes. He was highly respected among both blacks and whites.<sup>2</sup> Following the riot, the National Lawyers Guild

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<sup>1</sup>Thomas Mott Osborne, Society and Prisons (Montclair, N.J.: Patterson Smith, 1975), pp. 40-43.

<sup>2</sup>Wicker, A Time to Die, op. cit., p. 17.

elected to its ranks Roger Champen and three other self-taught lawyer-convicts.<sup>1</sup> This piece of information was obtained from Richard X. Clark, another Attica product. Roger Champen returned the compliment by saying this about Clark: "'Not only was he quick to pick up the point, . . . he had a nice feeling for people, he could talk to people, relate to them . . . work out their problems.'"<sup>2</sup>

A final story from Attica is more recent. Attica has a college education program through cooperation with colleges nearby. One of the students, Christopher Lynch, has completed 11 years of a 20-year minimum sentence. He started serving time at the age of 17 and began "'to reconcile embittered vengefulness with the growing realization that responsibility, concern for others and self-control are positive . . . .'" He eventually entered college and received a BA in psychology with all A's. He is determined to work toward a doctorate.<sup>3</sup>

These vignettes represent the atypical inmate, but professional attention is too often riveted at the peak of the bell curve. In the earlier discussion on the demographics of the inmate population, norms and averages were examined. The above selections provide perspective because they focus on the extreme.

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<sup>1</sup>Richard X. Clark, The Brothers of Attica, ed. Leonard Levitt (New York: Links Books, 1973), p. 58.

<sup>2</sup>Wicker, A Time to Die, op. cit., pp. 50-51.

<sup>3</sup>[New York State Department of Correctional Services], Correctional Services News, March, 1976, pp. 5, 12.

## CULTURE

A vital component of the convict's identity derives from the face he must put on and the rules he must follow in his prison world. If the helper is cognizant of this "society within a society,"<sup>1</sup> he will better know which aspects of the offender's behavior are the result of his pre-confinement history and which are a natural, if discomfitting, response to prison life. Furthermore, the walls of distrust between convict and staff are so thick that without this knowledge, the helping professional might not even be able to establish the basis for a relationship. Below, then, is an added source of perspective--a brief introduction to the inmate culture.

The special language and values of the inmate culture may have arisen in response to a need for brotherhood under the duress of prison life, or because the argot which is unfamiliar to outsiders provides a makeshift privacy in an environment where none else exists. Sykes believes that there is some validity to these hypotheses but that the best explanation for the unique characteristics of the inmate culture is that it classifies the unique experience of the inmate.<sup>2</sup>

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<sup>1</sup>See Gresham M. Sykes, The Society of Captives (Princeton, N.J.: Princeton University Press, 1958), for the classic analysis of the inmate culture.

<sup>2</sup>Sykes, op. cit., pp. 84-86.



A look at prison language gives the impression of elaborate attention to image making. Sykes, for example, discusses the vocabulary of personality in terms of the roles that inmates adopt. The "rat" or "squealer" betrays other convicts either for the purpose of self-aggrandizement or to get even in a feud. The person who openly sides with the authorities on all issues was called a "Center man" because the administration building was called the Center. A "gorilla" uses force or its threat to accumulate material goods, especially edibles, which are in such scarce supply. A "merchant" is after self-aggrandizement, too, but does not use force; he is willing to sell needed items when he ought to be freely giving them. "Weaklings" are the people the gorillas and merchants manage to take advantage of. Homosexuals are "wolves," "punks" or "fags." A "tough" is to be handled gently, for he flares up at a moment's notice and doesn't hesitate to use force. A "ball buster" also flares up, but at the authorities. While one has a grudging respect for the tough, the ball-buster was thought to be rocking the community boat by his outbursts. A "real man" exhibits fortitude, dignity, calm, generosity; he is emotionless, but not mean; he can "take it."<sup>1</sup>

In his classic autobiography about British training schools, Borstal Boy, Brendan Behan describes the "real man." One characteristic is strict adherence to the rule

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<sup>1</sup>Sykes, op. cit., pp. 87-105.

of silence. When asked by a guard if he knew whether another convict had been planning to escape, he swore he did not. A friend had also asked him this question and got a negative reply. Later, the friend saw him again and this dialogue ensued:

'You knew he was scarping [escaping], Paddy, didn't you? [the friend asked]. 'Of course I knew,' said I. 'But I couldn't tell you that and the screw [guard] only a few yards from us.' 'You were dead right. I wouldn't like to grass [squeal] on a bloke neither.'(1)

Similarly, the real man "keeps cool" no matter what the provocation, or in the words of the Borstal Boy, he "was usually amiable and too easy-going to fall out [fight] with anyone."<sup>2</sup> Again and again, his captors made life difficult, but he either attempted to extract humor from the situation or he retreated into his own thoughts as an escape. On the other hand, a real man, or even a boy in training school, cannot be a weakling; one occasionally must stand up to a gorilla. After being ribbed continuously by one person, "it was clearly a case of have him [fight] now or be persecuted by him for as long as I'd be within the reach of him."<sup>3</sup>

One might ask just how this particular set of values arose. Why do rats take the great chance of

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<sup>1</sup>Brendan Behan, Borstal Boy (New York: Alfred A. Knopf, 1959), p. 233.

<sup>2</sup>Behan, op. cit., p. 246.

<sup>3</sup>Behan, op. cit., p. 252.

incurring the enmity of their fellow sufferers? How can a gorilla exist in a prison where so much of daily life is regulated? And why would the real man be respected and the ball buster derided when the former maintains the status quo and the latter draws attention to the individuality of convicts? The answer to these and similar questions lies in the simple fact that there aren't enough guards and there isn't enough force to control the convict population.<sup>1</sup> Guards are locked in an endless power struggle with prisoners, and one in which balance cannot be maintained simply through threat of force.<sup>2</sup> Thus, guards may need to rely on "stool pigeons" to relay information necessary for security--and they are willing to make the rewards worth it.<sup>3</sup>

Similarly, the tense balance between captors and captives is maintained with less pain if there is a greater solidarity among inmates. The more "real men," the more goods are spread about, secrets are kept, and the force by other convicts is minimized. And when this occurs, guards are willing to "look the other way" in exchange for compliance with the larger rules of security.<sup>4</sup> The balance, however, is seldom achieved, and violence among inmates is a

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<sup>1</sup>Sykes, op. cit., pp. 40-55.      <sup>2</sup>Ibid.

<sup>3</sup>Thomas Mott Osborne, Society and Prisons (Montclair, N.J.: Patterson Smith, 1975). p. 149.

<sup>4</sup>Sykes, op. cit., pp. 106-108.

fact of prison life. As one offender pointed out, if you try to form a friendship with anyone, you are open to accusations of troublemaking, or worse.<sup>1</sup> Depending upon the prison in question, a large part of the violence may be the result of aggregates of toughs who form gangs. With or without gangs, violence must be equally attributed to tense racial polarization.

The presence of gangs in the penitentiary was discussed in a fascinating chapter of Jacobs' political analysis of a maximum security prison in Illinois. As of 1972, there were four gangs at Stateville, all of which comprised half of the convict population. These gangs were transported to prison in a crackdown on street crime in the ghettos and they maintained close ties to the street during their incarceration. They were incredibly well organized, having a whole hierarchy of leaders who used various organizational procedures for decision-making, dissemination of information, and enforcement of policies. At one point in time rival gangs had set up elaborate negotiating procedures for settling disputes that would otherwise have exploded into full scale riots. During the period of investigation, 1968-1975, the gangs had sufficient power to affect the results of disciplinary meetings for supposed rule violations and were responsible for deaths, strikes

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<sup>1</sup>Robert Harsh, "Inside Attica," Christianity and Crisis, XXXII (May 29, 1972), pp. 128-129.

and retaliatory lockups lasting as long as six months. Membership in a gang meant both an opportunity to achieve a status that could not be reached as an "independent" and prevention of feelings of isolation during incarceration. In more material terms, it meant coffee, tea, cigarettes, and candy--highly prized institutional items. The gangs--however ruthless they were toward outsiders--were reputed to be kindly towards their own: they maintained a poor box of these consumables for their needier members. Of course, these valuables are obtained through force or coercion of "off brands" (unaffiliated inmates).<sup>1</sup>

Whatever violence cannot be accounted for through gang power plays over contraband items can be attributed, for the most part, to racism. In a study of San Quentin, most of the prisoners acknowledged that racial hatred is rampant. As one white prisoner put it, he was told by other whites that if he talked to a black, the whites would attack and possibly kill him.<sup>2</sup> Gangs certainly account for a large part of the racial violence. Only recently racial gang violence was reported in San Quentin, which has seen such horrors before.<sup>3</sup> While the power at San Quentin

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<sup>1</sup>James B. Jacobs, Stateville (Chicago: University of Chicago Press, 1977), pp. 138-174.

<sup>2</sup>Erik Olin Wright, The Politics of Punishment (New York: Harper Torchbooks, 1973). p. 120.

<sup>3</sup>New York Times, July 27, 1977, Sec. I, p. 32.

seemed to be in the hands of whites,<sup>1</sup> at Stateville, the blacks held the power. Only in 1974 did white gangs form to protect themselves.<sup>2</sup> In spite of this, there seems to be a new awareness on the part of inmates that in unity they can begin to achieve the power needed to effect a change in living conditions. In the 1970 strike at San Quentin, convicts unilaterally called for Blue Power (after the color of uniforms) and prisoners there are hopeful for increased unity among races.<sup>3</sup> The Attica revolt in 1971 was also the scene of great interracial unity. As one man put it:

I was really reborn on the 13th day of September. Until that day I was a crook, a junkie, a selfish individual. After that day I was another human being. What I'm doing to-day, I owe Attica. My dedication to help somebody who's down, in jail and needs a hand, I owe Attica.(4)

The Black Muslims played an important part in the Attica uprising which needs to be mentioned. This group has been condemned by the press as participating in prison violence,<sup>5</sup> yet part of their religious teaching is non-violence. As a Muslim author noted, prison provided an opportunity to "clean ourselves up in jail--mentally, spiritually and physically." This meant self control and

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<sup>1</sup>Wright, op. cit.      <sup>2</sup>Jacobs, op. cit., pp. 157-159.

<sup>3</sup>Wright, op. cit., pp. 121-122.

<sup>4</sup>Harsh, op. cit., p. 133.

<sup>5</sup>New York Times, July 17, 1977, Sec. I, p. 32.

discipline. Thus, the Muslims abstain from certain foods, fast frequently and spend time educating themselves in prison.<sup>1</sup> During the Attica revolt it was the Muslims who stood watch over the hostages as protection from the more hostile inmate elements.<sup>2</sup> This was in complete keeping with the Muslims' non-violent policy.<sup>3</sup>

Violence in the prison, then, is for the most part the result of gang terrorism and racial hatred. The latter has had points of abatement when all united for better conditions, but the barriers are distinctly there. Violence, as has been shown, is only one part--though one to reckon with--of the prison society. A large part of the workings of this society is based on the endless give and take between the guards and their captives, most of which is laden with suspicion and prejudice. Thus, personalities are forced to "go underground" as roles are assumed which protect the delicate balance between forces of survival and extinction.

Incredible as it may seem, this hostile environment has somehow made room for the possibility of creativity and emotion. In a world where playing cool is good practical

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<sup>1</sup>Richard X. Clark, The Brothers of Attica, ed. Leonard Levitt (New York: Links Books, 1973), pp. 35-36.

<sup>2</sup>Harsh, op. cit., p. 132; see also Wicker, A Time to Die, op. cit., p. 15.

<sup>3</sup>Eldridge Cleaver, Soul on Ice (New York: McGraw-Hill, 1968), p. 57; see also Wright, op. cit., pp. 243-248 for summary of Black Muslim religion.

sense, prison vernacular, for example, is laden with sensitivity to nuances of meaning and subtleties of behavior. One of the colloquialisms found at the Federal Correctional Institution in Lompoc, California, is "to shine on" someone. This "means that one affected a false sense of cordiality to someone but in essence ignored him."<sup>1</sup> One might imagine that in his cell-bound hours, the criminal has much time to muse on his behavior, or that of his associates.

Such musing not only appears in institutional argot but is maintained in convict art, essays and poetry that is abundant in prison. One essay in particular, written by a prisoner for In, a prison magazine, illustrates aspects of the inmate culture just discussed, while it demonstrates the very human quality of sensitivity also to be found among the prison population. It is therefore a fitting conclusion to such a chapter:

The fish convict (new arrival) quickly learns that the prison guard in the green uniform is his enemy. Why is that? Because that's the way it's been since the first prison was built. . . . If the convicted felon commits a no-no, the man-in-green will, quite frequently, write a disciplinary report. . . .

Then there's a second world. It's impossible to describe the contrast. Six people sit and stand in a crowded room. Two play guitars, while another plays on his harmonica. Three others listen to the musical sounds that soothe frayed nerves. . . . Too bad the jam session has to end. But one musician has to go back to work, and the others go their separate ways. But for a while there wasn't any enemy . . . .

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<sup>1</sup>Barbara E. Bliss, "A Thousand Men and I," The Crumbling Walls, eds. Roy E. Hosford and C. Scott Moss (Urbana, Ill.: University of Illinois Press, 1975), ed. note, p. 79.



There's also a third world. It's much different than the two planets previously described.

Shirley has been 98% paralyzed for the past twenty years. Jim is a young man blessed with perfect physical health. Shirley is constantly active while staying cheerful and extroverted; Jim has a tendency to waste his many talents by engaging in unlawful activities, and remaining a 'loner.'

Jim read about Shirley in the National Enquirer and is really impressed with Shirley's story. He writes her a letter, partly out of sympathy and because of his own guilty feelings about wasting his life away.

Shirley answers his letter . . . Jim decides to build a portable electric stretcher for his immobilized friend.

He writes dozens of letters to people who might give him ideas and suggestions about parts, materials, ordering and construction. However, most of these phases consist of the following recipe: Nine parts Jim, and one part outsider's help. Jim keeps plugging away and the stretcher is becoming a reality. In the process, Shirley helps Jim become more mature, and Jim contributes to Shirley's morale and well-being.

The fourth world shows one of the musicians returning from the jam session to his unexciting, boring existence. He's depressed because he hasn't heard from his wife in over a month, and there's some nasty rumors going around. (What other kind of rumors are there?) So Bill buys some booze and gets a glow on. Thirty minutes later he's talking to some of his buddies, and gets arrested for being drunk and disorderly. But fate deals Bill an odd hand because the arresting officer turns out to be the lead guitarist in the jam session they completed an hour ago. . . .

Four worlds: All different in so many ways. And yet, not really so different. All four planets are here in San Quentin.(1)

Prison language, then, reflects the state of mind and the cultural balance of its members. Argot, literature and other creative expressions are barometers for a range

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<sup>1</sup>John Severson Watson, "Four Worlds," In: A Magazine About Prisons, Fall, 1973 [Iowa City].

of cultural elements from valued personality characteristics, degree of tension between guard and captive, strength of some members of the convict population such as gangs, the degree of interracial warfare, to the freedom to express emotions through creative writing. Each of the above represents a different variable aspect of the prison society. The counselor who listens carefully within this collection of variables--especially those which do not conform to the usual stereotypes--may even be able to penetrate the thick walls of suspicion between staff and convict.

A prepared counselor not only has familiarized himself with the norms and particular balance of forces within the inmate culture, but in addition has an awareness of the approximate demographic structure of the population of his particular prison as well as an understanding of the possible range of personalities he will encounter.

## Chapter 5

### FOCUS ON THE COUNSELOR

Now that a fairly thorough portrait of the offender has been presented, it is time for the counselor to examine his own behavior. Historically, the relationship between the helper and the inmate has been a deleterious one. The professional has in the past been primarily concerned with research, and those few whose efforts have been in behalf of prison authorities have used their skills primarily to classify the newcomer, a process which has militated against the formation of a successful relationship. This kind of relationship will be discussed below in a section called "The Dangers of Diagnosis."

The trends have, however, been changing, and many successful attempts at treatment have been more recently made. From the mistakes of the past and the successes of the present, it appears that success is based on a relationship in which the client is treated with respect, and implicit in the helper's behavior is a recognition of the client's worth as a human being. The nature of the helper's attitude in more successful relationships will be found under "The Role of Beliefs."

## THE DANGERS OF DIAGNOSIS

The number of research papers written about abnormal personality, diagnosis and evaluation in the prison is staggering. Convicts are either seen as mentally abnormal in some way or else only abnormal convicts are the subject of study. This has been severely criticized both because it diverts professional energies away from the "normal" majority of the population,<sup>1</sup> and because the subjects of such study lose whatever little privacy had been left them in their daily prison lives.<sup>2</sup>

The intention of such research was originally based on the medical model of therapy. That is, a convict was presumed to be "sick" or he would not have risen up against society. If one could give him an "exam," one could "diagnose" the "illness" which in turn should lead to a "prescription" for "treatment." The aims were probably well-meant--certainly for society, and perhaps even for the prisoner. If such a diagnosis were carefully made and its recommendations studiously followed, the offender would be placed in the correct part of the institution for his needs, and subsequent treatment would be carried out to further those needs. But as Halleck laments, the diagnostic

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<sup>1</sup>Jacques Barzun, "In Favor of Capital Punishment," Capital Punishment, ed. James A. McCafferty (New York: Lieber-Atherton, 1973), p. 93.

<sup>2</sup>Jessica Mitford, Kind and Usual Punishment (New York: Alfred A. Knopf, 1973), pp. 130-133.

report is only as good as the use to which it is put. Often, it is discarded by the inmates' keepers because its recommendations do not conform to their concept of dealing with prisoners.<sup>1</sup> Custody needs are considered more important than treatment needs. For example, California has found that it is cheaper to send prisoners to conservation camps than to house them in more secure facilities; the decisive factor was economic, not therapeutic.<sup>2</sup>

The failure of the diagnostic interview is not limited, however, to ignoring its resulting evaluations. More problematic is that the quality of evaluation is poor. As Roth and Ervin showed in one investigation of the records, out of 1200 federal prisoners in 1970, only 18% had a psychiatric interview, and most of these were pre-trial; they were seldom given subsequent treatment. Worse yet, out of the population of prisoners who already served time for non-violent offenses and who subsequently committed violent crimes, more than 25% had been seen by a psychiatrist during their first conviction. How is it possible that these psychiatrists were not able to recognize the possibilities of violence, let alone cure it?<sup>3</sup>

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<sup>1</sup>Seymour L. Halleck, Psychiatry and the Dilemmas of Crime (New York: Harper and Row, 1967), pp. 259-260.

<sup>2</sup>American Friends Service Committee, Struggle for Justice (New York: Hill and Wang, 1971), pp. 86-88.

<sup>3</sup>Loren H. Roth and Frank R. Ervin, "Psychiatric Care of Federal Prisoners," American Journal of Psychiatry, CXXVIII (October, 1971), 424-430.

A more controlled study attempts to answer this question. Offenders on probation were required to participate in enforced group therapy. Several groups were formed, and upon discharge each group's psychiatrist made a prognosis on recidivism for each member. To measure the degree to which such an evaluation can be made on the basis of just one interview, each psychiatrist gave an interview to members of the other groups. The two prognoses not only turned out to be different, but recidivism was accurately measured by the treating psychiatrist while it was not accurately measured by the evaluating psychiatrist. An additional feature of the study was that each probationer was asked to rate his psychotherapy experience. Those who had a more negative attitude had a lower recidivism rate. It was this group that the evaluating psychiatrist had inaccurately predicted would do poorly after discharge. The hypothesized explanation is that the evaluators took the interviewee's comments at face value. Apparently, offenders who rated their experience highly also made a good impression on the interviewer; that is, they were able to "con" him. This was recognized by the therapist who had been treating these offenders all along and he prognosticated correctly. Counselees who, on the other hand, were "openly critical" of treatment could do so because they were able "to handle hostility." Regardless of the veracity of this explanation, this experiment nevertheless

demonstrates that a one shot psychiatric evaluation has little value.<sup>1</sup>

There are numerous reasons why making prognoses and diagnoses is a particularly difficult task. The purpose of classifying behavior is to help organize a vast amount of knowledge. Now, suppose a classification system is established, and new information is added to that system. The risk is run that evaluators familiar with the new information will use it in making diagnoses while ignoring the original criteria. The result can be that two members of the same class may have entirely different attributes. Ullman and Krasner gave an example of this in the problem of identifying members of a broad class called schizophrenia. Originally the diagnosis of schizophrenia was based on observed behavior, but as research progresses in which biochemical analogs of schizophrenia are uncovered, people whose body chemistry conforms to these discoveries may also be labeled as schizophrenics. It is conceivable that their behavior may be different from those of people so labeled prior to the use of biochemical criteria.<sup>2</sup>

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<sup>1</sup>Robert L. Sadoff, Hermann A. Roether, and Joseph J. Peters, "Clinical Measure of Enforced Group Psychotherapy," American Journal of Psychiatry, CXXVIII (August, 1971), 116-119.

<sup>2</sup>Leonard P. Ullman and Leonard Krasner, A Psychological Approach to Abnormal Behavior (Englewood Cliffs, N.J.: Prentice-Hall, 1969), pp. 33-34.

Another problem which arises in classification is that since few people exhibit symptoms of just one class, evaluators are often forced to recognize symptoms of two classes. Now, if therapy based on this evaluation is to be useful, the evaluator ought to be able to distinguish the "more important," or perhaps the causal symptom. At this point, mistakes are easy. A person who is a sex offender, for example, may exhibit many neurotic behaviors. Did the neurosis "drive" the person into the anti-social sexual act or is the neurosis the "result" of having committed obviously ill-regarded acts? That is, diagnosis of the individual as a sex offender vs. as a neurotic would be impossible on the basis of a brief evaluative interview.<sup>1</sup> We have shown so far that diagnoses are often disregarded by custodians, and that this may be for the best since it is so easy for them to be highly inaccurate, a clearly undesirable outcome because it makes consequent treatment that much more difficult.

Inaccurate diagnoses not only may retard the process of subsequent treatment, but any kind of diagnosis may be highly damaging to the person diagnosed as well as to the relationship between him and his evaluator. In the earlier example, the two people thought of as schizophrenic are regarded as members of the same class--schizophrenics--even though the characteristics which placed them in that

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<sup>1</sup>Ullman and Krasner, op. cit., p. 34.



class (behavioral and biochemical, respectively) are different. The labeler may then expect both people to behave "like schizophrenics," that is, alike, even though they are dealing with two separate people.<sup>1</sup> Each one loses his identity in two ways. If his behavior repertoire included some behaviors that don't fall into the class, "schizophrenia," these are ignored, for physicians are trained to look for sickness.<sup>2</sup> Second, the halo effect also operates. That is, because behavior which the person in question does not exhibit is nevertheless expected by his label, he may come to fulfill the expectation of "authorities" by eventually exhibiting it.<sup>3</sup> Identity is lost both because some behaviors are ignored and because professional concentration on the label rather than on the person causes the labelee to behave in a "sicker" fashion as a result. It seems unlikely that a helping relationship can develop when the client is no more seen as an individual.

Psychiatric labeling of offenders may not only destroy identity but it can rob dignity as well. Sometimes this is done intentionally. If a person bears a label, his words and deeds don't have to be taken seriously. Szasz, the well known champion of the rights of mental patients,

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<sup>1</sup>Ullman and Krasner, op. cit., p. 28.

<sup>2</sup>Thomas S. Szasz, Law, Liberty and Psychiatry (New York: Collier, 1963), p. 224.

<sup>3</sup>Eugene P. May, "Quantity or Quality in Dealing with Human Problems," Personnel and Guidance Journal, XLIX (January, 1971), p. 377.

discusses the scholarly warfare that took place between pro-Freudians and anti-Freudians who hurled at each other the label "mentally ill" in an effort to devalue the other's contributions.<sup>1</sup> If psychiatrists have used this term disparagingly towards each other, one can imagine their attitude when confronting a social outcast, whether a hospital patient or an offender. Even if the psychiatrist is given the benefit of the doubt and one assumes that in the process of labeling, he is not intentionally degrading the labelee, nevertheless it is clear that he can lose sight of the human being under the label. As May eloquently put it, "As the person becomes less important, category tends to be reified."<sup>2</sup> The process of this conversion of category into a concrete entity at the expense of the categorized person can be devastating. Mitford quotes a convict's recollection of his more or less typical dialogue with a psychiatrist:

'The shrink says, "Sit down," so I sit down. He says, "How are you feeling today?" "Oh, pretty good I guess." "That's rather a negative answer, isn't it?" says the shrink. "What's negative about it?" I say. And the shrink pounces, "Aha! So you're going to ask the questions, are you?" I knew right there I was trapped.' (3)

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<sup>1</sup>Szasz, op. cit., pp. 20-21.

<sup>2</sup>May, op. cit., p. 379.

<sup>3</sup>Jessica Mitford, Kind and Usual Punishment (New York: Alfred A. Knopf, 1973), p. 104.

This dialogue illustrates how the process of labeling may cause the labeler to treat the labelee as if he had no personal identity and no dignity. Nevertheless, one wonders whether labeling always leads to the degree of contempt illustrated above or whether the psychiatrist in question was unusually hard hearted. Szasz believes that contempt is indeed a natural consequence of the labeling process, and he presents an explanation for this phenomenon based on the issue of criminal responsibility.<sup>1</sup>

According to Szasz people often think of criminal responsibility as a character trait. A person suffering from mental illness is said to lack this trait. The logic here is faulty, however. Responsibility is in fact "an expectation" of society regarding the behavior of its members. Just as people suffering from stomach virus are not excused by virtue of their physical illness from the responsibility for their crimes, neither should one fall into the fallacious trap of assuming that people labeled in terms of mental diagnoses ought to be "excused from" responsibility. Even those ignorant of the law are still held responsible. Against the argument that prior conditions paved the way for what appears to be an irrational act, one must point out that such is also the case with rational acts. And for both kinds, no matter how important

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<sup>1</sup>Szasz, op. cit.; see also Karl Menninger, The Crime of Punishment (New York: Viking Press, 1969), pp. 112-142.

the role of our histories, there is always some element of choice. That is, there is no ground for assuming that certain people, because of a label of mental illness ought to be singled out as "lacking" responsibility for a crime any more than the physically ill or the ignorant.<sup>1</sup> On the surface, the denial of an individual's responsibility for his behavior seems innocuous enough. Actually, if it is true that all humans make choices, then denial of a person's responsibility for his choice, essentially denies his humanity.<sup>2</sup> It is this complete negation of the person which makes easy an act of contempt on the part of an interviewer such as illustrated previously.

Szasz carries this argument to its logical conclusion. Once a person's very humanity is denied, he quickly loses his civil rights as well. This is true from the moment of accusation of a crime through incarceration. The accused person labeled as mentally ill may abnegate criminal responsibility through an insanity plea. Because this plea may be made for him, he does not stand trial and thereby cannot "establish his innocence."<sup>3</sup> The paradox, then, is that he is presumed guilty and consequently remanded to a psychiatric hospital without due process even though he was declared "not guilty" (by reason of insanity).<sup>4</sup>

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<sup>1</sup>Szasz, op. cit., pp. 124, 133-135.

<sup>2</sup>Szasz, op. cit., p. 137.      <sup>3</sup>Ibid.

<sup>4</sup>Szasz, op. cit., pp. 126-127.

It should be pointed out that although Szasz's arguments focus on the particular offender labeled "mentally ill" and accorded handling outside of the domain of the criminal justice process, for offenders who were not the pre-trial recipients of such special attention, classification has always been an established part of induction into the prison. Thus, few felons escape being formally labeled, although many do not actually see a psychiatrist in order to receive their classification.<sup>1</sup>

Lest the psychiatrist too easily become the scapegoat of this discussion, it must be recalled that although he is the only member of the helping professions legally empowered to give "expert testimony" in court on the basis of a diagnosis, he is not necessarily the only professional who perpetuates the labeling process with its inherent destructiveness. Once a classification is attached to a human being, that classification is available to all institutional personnel, who may readily think and behave in accordance with its implications.

A social worker has also noted how ready staff members often are to label their charges "manipulators," for example, and to then treat their counselees with distrust

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<sup>1</sup>See Thomas Mott Osborne, Society and Prisons (Montclair, N.J.: Patterson Smith, 1975), pp. 5-7 for the practice of classification in 1916; see also Erik Olin Wright, The Politics of Punishment (New York: Harper Torchbooks, 1973), pp. 47-51 for non-psychiatric classification.

as a result.<sup>1</sup> Use of the labels "manipulator," "hostile," or any number of other descriptive terms falls into the category of informal labeling. Unlike diagnoses expected of a courtroom psychiatrist, any helper may be guilty of informal labeling. Excessive respect given to an informal label results in the reification of that label in the same manner as occurred with formal labels. If a convict is labeled "hostile," for example, the label becomes more than a description of his behavior; it becomes an explanation for the cause of his behavior: "He can't be expected to control himself; he is a hostile inmate." The label has been elevated to the level of a causal entity. In so doing, the belief that the labeled person has responsibility for his behavior has been taken away from him. Once attending staff have denied a person's responsibility for his actions, it is but a short step to bestowing on him special punishment or "treatment." If the inmate should presume to object, the common reaction is to ascribe his objecting to his "hostility" rather than to the veracity of his situation--and to reserve further "special treatment" for him as a consequence. Thus, other helping professionals may not only perpetuate formal labels but may initiate informal labels, both of which entail degradation and can serve as excuses for the loss of civil liberties.

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<sup>1</sup>Clemens Bartollas, "Sisyphus in a Juvenile Institution," Social Work, XX (September, 1975), p. 366.

The above discussion has covered many concepts which are reflected in many behaviors on the part of the professional. According to Szasz, labeling should not only be discontinued because of its frequent lack of validity, but because in the process of labeling, the evaluator comes to disregard the identity of the diagnosed person. From there, it is a short series of steps to treat him without dignity, to regard him with contempt, and, finally, to deny his civil rights as well. There are, unfortunately, many variables at work here: the behavior of the diagnosed person, the process of arriving at a classification, use of the label, the behavior of the evaluator, the evaluator's own biases and experiences (conditioning history), the expectations of colleagues, etc. It is therefore difficult to know which aspect of the labeling process makes for such dehumanizing results. That the results of labeling are often dehumanizing is agreed upon by many people in the field, whether or not the labeled person is considered mentally ill.<sup>1</sup> It seems reasonable to assume, however, that diagnosing per se should not be damaging; after all, broken bones are diagnosed every day by orthopedists with no emotional hazard to the patient. By the same token, labeling, when used as a minor aid in deciding upon treatment alternatives, is not always destructive to psychiatric

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<sup>1</sup>Erving Goffman, Asylums (New York: Anchor Books, 1961), pp. 363-383 discusses the "concept of 'pathology.'"

patients.<sup>1</sup> On the other hand, it has been cited as deleterious to treatment of even "normal" people in some circumstances.<sup>2</sup> Does labeling always lead to contempt? Does it always result in maltreatment, or does the powerless position of the labelee have something to do with his eventual loss of civil rights? Research would certainly be useful to isolate the part of the labeling process of felons that has such counterproductive results.

The most frequently occurring activities of the helping professional in the prison have been of the type described in this section. The professional is usually a psychiatrist, working as a diagnostician. There are actually few psychiatrists, however, so that other officials are responsible for classification. Making an accurate diagnosis by a professional is not possible on the basis of just one interview, and the process of labeling, whether accurate or inaccurate, whether formal or informal, when practiced on a prisoner by authorities has usually served to destroy the labelee's personal identity and dignity. The helping professional may come to feel contempt for the

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<sup>1</sup>Margaret H. Hoopes and A. Lynn Scoresby, "Commitments to Change: Structuring the Goals and Ground Rules for Counseling," Behavioral Counseling, ed. John G. Krumboltz and Carl E. Thoresen (New York: Holt, Rinehart and Winston, 1969), p. 54.

<sup>2</sup>Seymour L. Halleck, The Politics of Therapy (New York: Perennial Library, 1971), pp. 113-121; see also Nadine Miller, "Letter to Her Psychiatrist," Radical Psychology, ed. Phil Brown (New York: Harper Colophon, 1973), pp. 484-489.



labeled person and may use his supposed lack of responsibility as a justification to deny him his basic civil rights.

While this very unhelpful relationship is the one with deep historical roots in the prison, it would be as unfair to assume that no psychiatrists have truly served their patients as it would be to assume that no other members of the helping professions besides psychiatrists have succumbed to the pitfalls of labeling. Just as other helpers have either perpetuated formal labels or reified informal ones, there are psychiatrists who have worked against their tradition in order to strive for the development of a meaningful relationship with their clients. Bruce L. Danto, described earlier, warns against "stereotyping" <sup>1</sup>conscientious, his viewpoint is in line with that of Thomas Szasz, Seymour Halleck, and other courageous psychiatrists to be considered later.

All of these pioneering psychiatrists and other successful members of the helping professions may not necessarily avoid making evaluations of their clients. It appears that some aspect(s) of the classification process have highly deleterious results, although research has not yet been able to isolate the significant aspects.

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<sup>1</sup>Bruce L. Danto, "Psychiatric Treatment of Violent Patients in Private Practice," International Journal of Offender Therapy and Comparative Criminology, XIX, No. 1 (1975), pp. 67-74.

Successful practitioners may possibly evaluate clients, but the manner in which they do so does not hinder the formation of a beneficial counseling relationship. A possible clue to pinpointing the crucial variable can be found upon close examination of the behavior of the labeler. It was stated above that some diagnosticians, for example, focus so intently on behaviors associated with the label that they have given that they may overlook behavior which falls outside of that label. Why should these people overlook behavior? Perhaps they do so because it would make them uncomfortable to face a less than parsimonious description of behavior. They could end up with something cumbersome like: "He is a paranoid schizophrenic, but also he is a sensitive poet who has published several well received volumes of poetry." It is so much neater to disregard the poetry part of the "patient's" life. Perhaps the real reason for overlooking behavior is because it is simply easier to consider just the label and to ignore the remainder of the person's response repertoire. Then again, maybe the labeler never questioned his mentors when he was taught that paying attention to the rest of the response repertoire is not important in assisting the recovery of a patient. A hypothesis not to be overlooked is that the medical model approach is intellectually stimulating; diagnosing and analysing is fun, while reminding oneself of the suffering human who goes along with the symptoms can be a bit of a strain. Many possible reasons could be generated to explain the therapist's

behavior in ignoring responses of his client. Other therapist behaviors such as expecting (and possibly unconsciously reinforcing?) "sick" behavior also warrant examination. A wise conclusion to draw from the foregoing is that before plunging into a relationship, a therapist would do well to examine his behavior and his attitudes toward his client quite carefully and honestly.

### THE ROLE OF BELIEFS

Combs, Avila and Purkey have pointed out that behavior is more a function of one's deepest beliefs than of what one has been taught.<sup>1</sup> Another way of saying this is that emotional behavior is more a function of contingencies than of rules.<sup>2</sup> If beliefs control behavior, then beliefs about the nature of man are certainly important within the helping relationship. The way one treats one's client will be affected by whether one thinks that man is basically evil, as do many people who subscribe to the Doctrine of Original Sin; that man is at war within himself, controlled by good and evil impulses; that man is basically good in

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<sup>1</sup>Arthur W. Combs, Donald L. Avila, and William W. Purkey, Helping Relationships (Boston: Allyn and Bacon, 1974), pp. 6-17.

<sup>2</sup>B. F. Skinner, Contingencies of Reinforcement (New York: Appleton-Century-Crofts, 1969), pp. 146-152 for a discussion of the difference between rule-governed and contingency shaped behavior; see esp. p. 150 for reference to emotional behavior.

spite of what may appear on the surface;<sup>1</sup> or that man's behavior is completely the result of the contingencies that have acted on him throughout his life which may produce either good or bad behavior.<sup>2</sup>

If this point is taken a step further, it is obviously necessary for the practitioner to know his own attitudes about the innate nature of the criminal. Robert Lindner, a psychiatrist highly regarded for successful treatment of criminals, wrote the following about his clients in Rebel Without a Cause, a book which was made into a movie:

History has assigned to this country and her allies the task of cleansing civilization of the predatory creature whose typical history is presented in this volume. Psychological science has provided us with an instrument to study him closely and at first hand; to examine him thoroughly as we would a virulent bacillus . . . .(3)

This stance, like that of mainstream psychiatrists, holds that the criminal is "sick." Lindner goes a step further by placing a value on this sickness: it is harmful or evil, "like a bacillus." Contrast this with the Szasz position that it is not necessary to call a person innately good or evil--"sick" vs. "healthy." One need only evaluate his acts and treat him with the dignity of recognizing that he has made a choice and must bear the consequences.<sup>4</sup>

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<sup>1</sup>Combs, op. cit., pp. 62-81.

<sup>2</sup>Skinner, op. cit., pp. 175-206.

<sup>3</sup>Robert M. Lindner, Rebel Without a Cause: The Hypnoanalysis of a Criminal Psychopath (New York: Grune and Stratton, 1944), p. 14.

<sup>4</sup>Szasz, op. cit.

Szasz's view as a forensic psychiatrist is more closely related to that of psychologists Ellis and Harper than to his fellow physicians. Ellis and Harper have stated that "bad" behavior in no way decreases the person's value. They state further that what is bad about "bad" behavior is that it militates against the formation of the kind of world the behavior would like to live in. Good behavior, on the other hand, is "enlightened self interest" because it creates an amenable world.<sup>1</sup> It is interesting to note how similar this position is, in turn, to that of radical behaviorists, such as B. F. Skinner, the well-known philosopher and experimentalist. The behaviorist position, too, does not assume an innate good or evil; all men have value and their acts may be valued in terms of the degree to which they further the possibility of survival of the culture.<sup>2</sup>

The Lindner/classical psychiatrist view of the criminal as being inherently malevolent or sick forms one endpoint on a spectrum of opinion. The Szasz/Ellis/Skinner opinion is the neutral middle ground in which the criminal is inherently neither good nor evil. At the other end of the spectrum is the Rogers position. Carl Rogers, the pioneering humanist, sees man as fundamentally good, and this

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<sup>1</sup>Albert Ellis and Robert A. Harper, A Guide to Rational Living (North Hollywood: Melvin Powers/Wilshire, 1975), p. 103.

<sup>2</sup>B. F. Skinner, Beyond Freedom and Dignity (New York: Bantam, 1971).

includes the "most anti-social" individuals.<sup>1</sup> This is paradoxical when one observes the great anger and cruelty rampant in this world, but to Rogers the "bitterness and hatred" cover up "a much less anti-social feeling, a deep experience of having been hurt." At the "core" of the person is basic goodness.<sup>2</sup>

The range of beliefs about the nature of the criminal is reflected in the diversity of approaches to treatment. Lindner's goal was to "cleanse" his patient of his violent impulses, which he attempted to do through traditional psychoanalysis along with a procedure that combined hypnosis and analysis. Lindner's detailed account of the hypnotherapy of a person labeled a psychopath makes interesting reading. Lindner, paradoxically, was successful with this patient, which seems to belie the statements made earlier that the labeling process leads to a contemptuous view of the client which is manifested in denigrating behavior toward him. Actually, a thorough reading of Lindner's book supports the contention of Combs, Avila and Purkey that one's deepest beliefs are more reliable indicators of behavior than are stated opinions. And deepest beliefs are clearly manifested in overt behavior. Here, although Lindner's stated opinion is that his clients are less than

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<sup>1</sup>Carl R. Rogers, On Becoming a Person (Boston: Houghton Mifflin, 1961), p. 26.

<sup>2</sup>Rogers, op. cit., pp. 90-96.

human, his patient's remarks indicate a feeling of being cared for and even liked by the therapist.<sup>1</sup>

This implies that psychiatric methods can either be helpful or harmful. It is the deepest beliefs about the criminal and the kind of relationship forged on the basis of these beliefs which make the difference between helping or harming. Schmideberg is a psychiatrist whose convictions clearly underscore this point. Although she does analysis with her patients, she cautions therapists not to allow detachment to degenerate into a lack of caring. She makes the point that "'intuition' or 'empathy' can be misused to justify anything illogical," thus illustrating the more objective psychiatric frame of reference, but she goes on to say that "we can ignore [empathy] as little as we can study painting blindfolded."<sup>2</sup>

The issue of the controlling function of belief is equally true in the intermediate theoretical orientation of the behaviorists. In private or out-patient practice, behaviorally oriented therapists make every effort to replace the maladaptive behavior of their clients with behavior which will enable the clients not only to function in a more adaptive fashion, but to be happier human beings as well.

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<sup>1</sup>Lindner, op. cit.

<sup>2</sup>Melitta Schmideberg, "Offender Therapy as a Tool of Research: An Anglo-American Study," International Journal of Offender Therapy and Comparative Criminology, XVI, No. 1 (1972), p. 62.

From the great success they have had with such a diversity of problems as stuttering<sup>1</sup> to helping a trouble-making boy avoid battles with his drunken father,<sup>2</sup> one can deduce that they believed it was important to help the client in the areas of concern to that client: that is, they viewed the problem from the client's frame of reference. Their deepest beliefs again made possible a beneficial helping relationship, although they might have used a diversity of techniques from systematic desensitization<sup>3</sup> to imagining aversive consequences and delay of gratification.<sup>4</sup> On the other hand, behaviorists working in an institutional setting have often held the unstated conviction that they are working for the institution and not for the client. As such, the very same methodology has been used in a way which has gotten some of them charged with cruel and unusual punishment.<sup>5</sup>

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<sup>1</sup>Gary O. George, "An Empirical Case Study of the Systematic Desensitization of Stuttering Behavior," The Crumbling Walls, eds. Roy E. Hosford and C. Scott Moss (Urbana, Ill.: University of Illinois Press, 1975), pp. 105-120.

<sup>2</sup>Gerald C. Davison, "Self-Control Through 'Imaginal Aversive Contingency' and 'One-Downsmanship': Enabling the Powerless to Accommodate Unreasonableness," Behavioral Counseling, eds. John D. Krumboltz and Carl E. Thoresen (New York: Holt, Rinehart and Winston, 1969), pp. 319-327.

<sup>3</sup>George, loc. cit.      <sup>4</sup>Davison, loc. cit.

<sup>5</sup>James G. Holland, "Behavior Modification for Prisoners, Patients and Other People as a Prescription for the Planned Society" (paper presented at the meeting of the Eastern Psychological Association, Philadelphia, April, 1974).



The clinician with a Rogerian orientation might have the least difficulty in forging the kind of relationship which will be in the client's best interests. This is because the methodology of the Rogerian is based on the concept that the client is basically good and can become the kind of person who will most benefit society and be most constructive, positive, maturing and self-accepting. The methodology entails providing a warm, empathic relationship such as described in Rogers' works.<sup>1</sup>

From this discussion, it should be clear that the prospective prison counselor should examine his own beliefs deeply and honestly before stepping into the prison. It appears that the most helpful beliefs are those which view the person as worthy of respect, dignity and worth. Methods which inherently devalue the person's humanity will not be successful. It is therefore equally important for the counselor to select those methods which make possible the expression of his deepest beliefs about the person.

Very much akin to a counselor's understanding of his own belief system is a need for him to both understand that of his counselee and to demonstrate that understanding to the counselee. Thus, once the counselor is prepared to engage in dialogue with the client, his initial encounter must be one of bridging the gap between his world and that of the client. For the counselor working in the prison, this is a unique challenge.

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<sup>1</sup>Rogers, op. cit., p. 26.

## Chapter 6

### DEVELOPING THE RELATIONSHIP

A first step in understanding one's client is to realize that perceptions of the environment are colored by the personal meaning those perceptions have for the individual. These personal meanings are learned through experiences and enable one to economically process new knowledge by using them as reference points, or "anchors."<sup>1</sup>

An event will have different "meanings" for any two people, and this is certainly true in a convict-counselor relationship. José Arcaya's excellent article on the differences of meaning or what he calls "multiple realities" discusses the kind of efforts the helping professional must make in bridging the gap between the helper's world and the helpee's world. Arcaya begins by stating the one thing many professionals would prefer to hide--that they, too, are apprehensive and afraid before the first meeting. As a reaction to this fear, many people prefer to adopt a rigid

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<sup>1</sup>Arthur W. Combs, Donald L. Avila, and William W. Purkey, Helping Relationships (Boston: Allyn and Bacon, 1974), pp. 6-17.

role, either that of the authority figure or that of the nice guy. Neither of these furthers communication, and therefore neither will increase the probability that much of use will be accomplished. Arcaya suggests instead that the helper make every effort to understand the client from the client's own perspective. This means to not assume that the offender is using even ordinary words in the same way as does the professional. To a counselor, for example, "help" may signify reaching out, giving; to the helpee that very word could mean "being pushed around." When the counselor believes he does not understand the client's meaning and wishes to get into the client's frame of reference, he must ask for a clarification, but in such a way as to not appear judgmental or attacking. The offender has indeed been criticized, condemned and "pushed around," so it is easy for him to assume--from his frame of reference--that he is confronting yet another authority figure doing the same thing. Arcaya suggests that the "responsive" request for clarification can be accomplished in a nonjudgmental manner by "contextualizing" it; that is, by referring to the selected words and body language that he observed, stating their meaning for him and asking the client if this is the meaning he did intend to convey.<sup>1</sup>

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<sup>1</sup>José Arcaya, "Multiple Realities Inherent in Probation Counseling," Federal Probation, XXXVII (December, 1973), 58-63.

Joan Cichosz, a probation officer, gives a graphic illustration of the concepts discussed above. Her opening lines set the tone of the remainder of the article:

I'm tired of hearing about the addict. I'm tired of hearing about the addict's special problems. I'm tired of hearing how hard it is to treat the addict.<sup>(1)</sup>

She goes on to say that she had no success with her probationers until she stopped "treating the symptom" and began to relate to clients as individuals with strengths as well as weaknesses. "We all know the stereotype of the lying, cheating, dirty addict," says Cichosz, and she found this threatening until she used her most potent weapon: that she "really cared." This was accomplished by great efforts to help the clients overcome their self pity and especially "to find something in their lives to replace drugs." It isn't always easy. Her clients "tested" her trustworthiness by accusing her of not being able to understand their feelings because she herself was not an addict. Cichosz vigorously rejects such a position. "Everyone is addicted to something," she points out, and she attempts to present her own humanity, with its share of imperfections, in this way.<sup>2</sup>

With these concepts in mind--the importance of personal meaning in coloring perceptions, careful listening

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<sup>1</sup>Joan Cichosz, "The Human Side of the Addict," Crime and Delinquency, XX (January, 1974), p. 54.

<sup>2</sup>Cichosz, op. cit.

and non-judgmental requests for clarification in order to understand the clients' "reality," and sharing with the client one's own perspective and fallibilities--some of the stumbling blocks that may be encountered in counseling offenders can be presented.

With reference again to the powerful role of meaning in interpreting one's perceptions, Combs, Avila and Purkey point out that because frames of reference are so heavily relied upon in processing new experiences, when these are removed, the result is distress to the individual. The incarcerated, "who are deprived of most of their ordinary links to life," suffer such distress. They are compelled to make some adjustment. Adjustments may take the form of ignoring, denying, or distorting those new experiences which don't "fit" into "existing meanings."<sup>1</sup> Thus an inmate who vigorously denies, say, loneliness in prison, may either really be comfortable in prison because he has been there so many times before, or he may prefer not to deal with such painful feelings because they are true.

The formation of the inmate culture is not surprising in light of the above. The inmate culture actually supplies a new frame of reference for the inmate whose ties to his old one lie outside the institutional walls. As discussed earlier, one's frame of reference can be thought

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<sup>1</sup>Combs, op. cit., pp. 86-89.

of as experience distilled through the medium of personal meaning. Similarly, the inmate culture also colors experience--through the medium of values shared in captivity.<sup>1</sup> How does the counselor deal with this? Halleck points out that as the helping relationship develops, the counselee cannot help but be exposed to the counselor's values. This very exposure is a challenge to the newly adopted "belief system" of the client.<sup>2</sup> This puts the counselor in a difficult position. On the one hand, he wants to show that he understands the client's frame of reference. On the other hand, through the growth of the relationship the desirability of the counselor's values may increase, which in turn challenges the inmate's original frame of reference based on the convict code. But perhaps that is true of all relationships, and perhaps client growth can be measured by the client's ability to face conflicting sets of values and make a real choice.<sup>3</sup>

Another very realistic response to the loss of a frame of reference and to the punitive atmosphere of prison is fear and suspicion of all presumed authority figures. In fact, this stance is a basic part of the inmate code. Shearer also points out that those staff members concerned with security dissuade counselor "attempts to establish

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<sup>1</sup>Seymour L. Halleck, Psychiatry and the Dilemmas of Crime (New York: Harper and Row, 1967), p. 294.

<sup>2</sup>Halleck, op. cit., p. 295.      <sup>3</sup>Combs, op. cit., p. 89.

rapport" for fear that the counselor will be placed in a compromising position.<sup>1</sup> The helper must clearly win the support of the custodians<sup>2</sup> as well as the prisoners.

Shearer insists that the counselor must always "strive" to change the inmates' view of them as authorities, but doesn't say how.<sup>3</sup> Barbara Bliss, a psychiatrist with over two decades of professional experience, suggests two possible approaches. First, she made a concerted effort to get into the inmates' frame of reference by not only struggling with the foreign argot but by attempting to understand the meanings for the convicts of "acts or words or objects" which had such different values in her world. Sometimes the learning process was experienced as "subtle shocks" when old behaviors took on new meanings.<sup>4</sup> Her other approach was to express her sincere concern for her clients, not only through the active listening of the counseling session, but through deeds as well. Such things as

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<sup>1</sup>Robert A. Shearer, "Correctional Counseling and Therapy," Texas Personnel and Guidance Association Journal, II (September, 1973), p. 134.

<sup>2</sup>Joe Wittmer, James E. Lanier, and Max Parker, "Race Relations Training with Correctional Officers," Personnel and Guidance Journal, LIV (February, 1976), 302-306.

<sup>3</sup>Shearer, op. cit., p. 132.

<sup>4</sup>Barbara E. Bliss, "A Thousand Men and I," The Crumbling Walls, eds. Ray E. Hosford and C. Scott Moss (Urbana, Ill.: University of Illinois Press, 1975), pp. 79-80.

overtime, or showing up in emergencies, or bringing one's family for an event show genuineness.<sup>1</sup>

A special problem related to the suspicion of authority is the added cautiousness of the minority inmate confronted with a white counselor. George discusses this in some detail in his introduction to a description of treatment for stuttering. He points out that the use of behavioral counseling which does not focus on the past but on the present should cut down the problems in culture bias. In spite of this and in spite of his efforts to establish a wholesome counseling relationship, the white counselor may be completely rejected, or else he will be "'checked out'" before the minority member will place himself in the helper's hands. This process may take several months. Even after the helper "passes" this test, a black prospective client may manufacture situations to provoke the appearance of whatever racial prejudice the white could have. For example, he may accuse "whites" of being prejudiced or he may attack the counselor directly as racist. The counselor must clearly be secure enough to work with minorities not to be rattled by these "games." It is also important for the counselor to be familiar with black culture and black jargon. This is a special way of showing understanding of another's frame of reference.<sup>2</sup>

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<sup>1</sup>Bliss, op. cit., p. 86.

<sup>2</sup>Gary O. George, "An Empirical Case Study of the Systematic Desensitization of Stuttering Behavior," The



Akin to fear or suspicion of would-be authorities by convicts is outright hostility. Rogers developed a continuum of counseling growth. Generally, he felt that people at the lowest end of this continuum would not volunteer for therapy nor might they even be able to grow in spite of the atmosphere of warmth and acceptance created by the counselor. It is highly conceivable that some convicts fall into this category. This exemplifies a special kind of hostility--hostility to treatment. While Rogers does not sound too optimistic he certainly advocates trying.<sup>1</sup> Hardy and Cull merely suggest that the counselor either be able to handle hostility directed at him or know when to ask for help.<sup>2</sup>

When all contacts with one's familiar reality are lost and when one is also distrustful of most other people, it is not surprising to find that a frequently occurring behavioral result is manipulation. This is basically a fancy word for lying or making implied threats or subtle punishments, all to get a staff member to do what the inmate wishes. Bartolas discusses this in some detail

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Crumbling Walls, eds. Ray E. Hosford and C. Scott Moss (Urbana, Ill.: University of Illinois Press, 1975), pp. 79-80.

<sup>1</sup>Carl R. Rogers, On Becoming a Person (Boston: Houghton Mifflin, 1961), p. 26.

<sup>2</sup>Richard E. Hardy and John G. Cull, "Group Counseling with Public Offenders," Group Counseling and Therapy Techniques in Special Settings, eds. Richard E. Hardy and John G. Cull (Springfield, Ill.: Charles C Thomas, 1974), pp. 71-72.

with several colorful illustrations. A charming example is cited in which a boy at a training school says to a social worker: "'I like your technique. Reminds me of a psychologist at another institution. But let me help you a little bit.'"<sup>1</sup> If the counselor were green enough, presumably this would rattle him, and he might come to "give in" to requests unwisely, perhaps because the inmate, who knows the ropes, is kind enough to explain to the professional how he should be doing his job. Another subtle approach could be for one's "own" client to turn to another staff member for help or advice.<sup>2</sup> If the counselor feels badly about this, it is not a long way off from thinking that perhaps he himself has not been "good enough," again allowing the offender to control him in ways that might not be to the advantage of either. A less subtle maneuver is the implied use of force. Violence occasionally does erupt in an institution, and a staff worker may become intimidated by it. If the offender sees that this "is effective," he will certainly employ it. Paralleling this in the emotional realm, Bartollas found that residents would increase their demands when they could tell that the professional was feeling down.<sup>3</sup>

In his discussion on treating the black inmate, George distinguishes between requests for illegal and legal

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<sup>1</sup>Clemens Bartollas, "Sisyphus in a Juvenile Institution," Social Work, XX (September, 1975), p. 365.

<sup>2</sup>Ibid.      <sup>3</sup>Ibid.

items. The motive behind the first is simply to obtain goods or services which are contraband, and he calls this "the inmate con game." The legal items, or services, however, are requested by blacks as part of the checking out process discussed earlier. In the case of requests for illegitimate goods or services, the manipulative process works because the illegal items or acts requested are basic facts of living that free people take for granted, and a kindhearted counselor could easily become frustrated at seeing the prohibitions against their use. These requests include "cigarettes, taking out mail, or signing a pass with a false time on it."<sup>1</sup>

There could be other motivations besides these for manipulation. In his "Note on Method," Sykes mentions the difficulty of a social scientist being able to get valid information because of the many "glib prisoners who . . . are quite ready to talk--in fact, they are far too ready."<sup>2</sup>

Halleck distinguishes manipulation from deception. He categorizes the latter as: adding information, deleting information or not admitting the truth of a story. The purpose may be some form of manipulation as is implicit in Sykes' description, or the reasons might include self-protection or to achieve status or affection. Lying may

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<sup>1</sup>George, op. cit., p. 108.

<sup>2</sup>Gresham W. Sykes, The Society of Captives (Princeton, N.J.: Princeton University Press, 1958), p. 135.

also become a game in its own right, played for the sake of power.<sup>1</sup>

Berne enlarges on these concepts to include the felon's entire lifestyle, both pre- and post-conviction.<sup>2</sup> Berne divides offenders into "two distinctive types of habitual criminals: those who are in crime primarily for profit, and those who are in it primarily for the game-- with a large group in between who can handle it either way."<sup>3</sup> He concludes his description with a list of psychological, social and existential advantages to the game player, such as "material indemnification for old wrong."<sup>4</sup> This entertaining analysis seems to be a clear example of the point made earlier that diagnosing a patient as if he were an object to be studied can be highly reinforcing intellectually. Clearly, the counselor should not be surprised to find examples of fear, suspicion, hostility and manipulation or outright lying among his incarcerated clients. But instead of looking for these behaviors, it would be more humane and more worthwhile to simply follow Halleck's advice to expect them and "to anticipate and graciously accept some dishonesty" from the inmate.<sup>5</sup> This

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<sup>1</sup>Seymour L. Halleck, Psychiatry and the Dilemmas of Crime (New York: Harper and Row, 1967), pp. 301-304.

<sup>2</sup>Eric Berne, Games People Play (New York: Ballantine, 1964), pp. 132-137.

<sup>3</sup>Berne, op. cit., p. 133.      <sup>4</sup>Berne, op. cit., p. 137.

<sup>5</sup>Halleck, loc. cit.

caution is similar to that of Bartollas, who places the word "manipulator" in the same damaging category as other labels. Seeing oneself as if one were in a constant contest with "con artists" leads to the adoption of a belief that one is working as a rule-enforcer rather than as the client's "advocate."<sup>1</sup>

In order to avoid the pitfalls of being manipulated without reverting to the extreme of rigidity, it is well to consider Arcaya's incisive point that both the "authority figure" and the "nice guy" are thoughtless; both lack the spontaneity to deal with any given situation, only the nice guy in addition may "condone antisocial behavior."<sup>2</sup> Neil, who worked as a counselor in a local jail, insisted that "the counselor cannot do favors for inmates."<sup>3</sup> This may be extreme. Bartollas confessed that social workers in a training school often put in 50 or more hours of work per week, and they do bring "treats from home."<sup>4</sup> Of course, this may be more appropriate for youth work. Bliss gave what seems to be a sensible middle ground: the practitioner must make a new decision in each case. Sticking to the

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<sup>1</sup>Bartollas, op. cit., p. 366.

<sup>2</sup>José Arcaya, "Multiple Realities Inherent in Probation Counseling," Federal Probation, XXXVII (December, 1973), p. 59.

<sup>3</sup>Thomas C. Neil, "The Counselor in the Local Jail," Journal of Rehabilitation, XXXVIII (January-February, 1972), p. 23.

<sup>4</sup>Bartollas, op. cit., p. 365.

rules too closely may impair a relationship, especially when the rules are petty. For example, if she breaks a rule by giving a cigarette to a counselee, perhaps this gesture will lead to fruitful conversation.<sup>1</sup> Certainly, this position is the most difficult, but in allowing oneself to "dwell with the ambiguity" of responsibility to rules vs. responsibility towards the client, one becomes more human in the eyes of the helpee.<sup>2</sup>

Fear, suspicion, hostility, manipulation, will all be best handled if the counselor is not afraid to act in an open and honest way,<sup>3</sup> and if the counselor truly knows himself. Bliss illustrates both of these qualities. As a woman working in a maximum security prison with well over a thousand men, she was the object of curiosity, suspicion and rumor. Nevertheless,

. . . once I had been able to overcome what I later saw as fallacies of my original analytical training, I have felt that any patient has the right to ask me questions about who I am as a person, and that I have the obligation to give truthful answers.(4)

From this she embarks on an autobiographical sketch which clearly depicts a person who knows herself and is open about it.

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<sup>1</sup>Barbara E. Bliss, "A Thousand Men and I," The Crumbling Walls, eds: Ray E. Hosford and C. Scott Moss (Urbana, Ill.: University of Illinois Press, 1975), pp. 82-83.

<sup>2</sup>Arcaya, op. cit., p. 60.    <sup>3</sup>Neil, op. cit., p. 23.

<sup>4</sup>Bliss, op. cit., pp. 74-77.

Danto gives an example of the horrible result of a helper's lack of self knowledge and openness. The helper was a psychiatrist who could neither handle his patient's aggressiveness nor could he bring himself to admit this to her and refer her elsewhere. He achieved the desired result of dismissing her from therapy by causing unnecessary pain to both himself and his client by asking the patient to show him how angry she was. The patient complied by pushing the doctor off the chair. Had the doctor instead realized that he did not feel comfortable working with her and openly told her so, much pain--on both parts--would have been avoided.<sup>1</sup> Indeed, counseling offenders has its tense moments, and whatever personal skills are recommended for any helping professional are certainly indicated in prison work. Rogers' sensitive discussion of the qualities of the helper is highly instructive,<sup>2</sup> and Combs, Avila and Purkey summarize these points in a useful manner.<sup>3</sup>

Assuming that a relationship of mutual trust can be established, several other factors unique to institutional work can facilitate the further development of such a

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<sup>1</sup>Bruce L. Danto, "Psychiatric Treatment of Violent Patients in Private Practice," International Journal of Offender Therapy and Comparative Criminology, XIX, No. 1 (1975), pp. 72-73.

<sup>2</sup>Carl B. Rogers, On Becoming a Person (Boston: Houghton Mifflin, 1961).

<sup>3</sup>Arthur W. Combs, Donald L. Avila, and William W. Purkey, Helping Relationships (Boston: Allyn and Bacon, 1974), pp. 10-17.

relationship. Privacy is a grave problem in a setting where so little exists. Yet, emotional reactions on the part of the client would not go over well with fellow convicts. This makes privacy mandatory. Bliss herself "paid" for this because a closed door was an invitation for rumors, but she maintained a strict policy of private sessions nevertheless.<sup>1</sup>

As a woman, Bliss was subject to additional limitations. She felt strongly that a woman working with men should never use vulgarity because this, too, can be misconstrued.<sup>2</sup> Finally, she considers at surprising length the issue of form of address. She has believed that a first name basis for both members of the relationship implies both equality and concern for the individual himself. But this too has made inmates jump to the erroneous conclusion that she has a lack of self respect. She offers no handy remedy for this.<sup>3</sup> It should be clear that maturity and "cool" are prerequisites for prison work.

The foregoing discussion paints a picture which may be too negative. Bliss, to the contrary, feels that if a person "can look past the uniforms or the language or the games . . . she will find herself interacting with some of the finest human beings it is possible to meet."<sup>4</sup> Perhaps

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<sup>1</sup>Bliss, op. cit., p. 78.    <sup>2</sup>Bliss, op. cit., p. 86.

<sup>3</sup>Bliss, op. cit., pp. 81-82.

<sup>4</sup>Bliss, op. cit., p. 86.



this is too romantic a view. Let us say that prison counseling is a mixture of these highs and the lows of dealing with suspicion, hostility and the like. For the latter one must make efforts to avoid being either an authority or a good Joe; one must attempt to get into the client's frame of reference; one must make concerted efforts to demonstrate genuine concern, while always carefully choosing between the alternatives of allowing oneself to be manipulated or of passing up an opportunity to extend friendship in a small way; one must be especially aware of these decisions and undercurrents when dealing with minorities; one must be strong enough to take hostility and to give of oneself openly, and of course the helping professional must know himself. In general, the counselor must realize that his world and that of his client are vastly different and must make every effort to bridge the gap between the two through active listening and contextualizing of response. An awareness of these demands on the counselor should enable him to make his initial client encounters meaningful experiences.

## Chapter 7

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The three essential elements of a successful counseling relationship have been presented in the foregoing. Before reviewing these elements, it is necessary to consider a limitation recognized in the Introduction.

The limitation of this paper is two sided. On the one hand, it focuses on only one aspect of the prison counselor's role. That is, its breadth was restricted to an analysis of the relationship with inmates. It does not attend to numerous urgent questions for which the counselor needs answers: What are his goals? What are his methods? How does the presence of guards affect his work? How much initiative can be take in program development? Just what will be his job description? These questions cannot be addressed lightly. They must be handled within the broader context of the entire criminal justice system and social thought.

"Goals," for example, is a social, ethical and practical question. It needs to be weighed in terms of the stated and unstated functions of prison, what society

needs, wants, and expects, and where all this fits into the counselor's personal values. "The counselor's methods" is a concern which needs to be dealt with in terms of goals but also in terms of accepted though often unstated policies of the institution, and even this cannot be a sufficient analysis for a particular prison at a moment in time without knowledge of the political climate within which that institution operates. Again, these answers must be anchored to an awareness of the counselor's personal choices and values. Dealing with guards is a practical issue, but it is also a humanitarian one. If guards are thought of as "the enemy," as they frequently are by convicts, the counselor behaves one way; if guards are viewed as people with dignity in spite of possible behavior deficits, then another behavior results.

The other questions, too, have multifaceted answers, and it would not have been possible to devote to them the space they deserve in a paper of this length. Nevertheless, although addressing these problems could not be adequately managed here this work does present a model for handling such questions in the future: prison life must be investigated from the perspective of the helping professional, and his alternative courses of action must be delineated in order to fully depict the setting into which he will step. This model, then, is a contribution which offsets the limitation of too narrow a scope.

The other side of this limitation is, ironically, its inverse; that is, it does not have a narrow enough scope. There are many questions generated by the paper which could lend themselves to empirical study: Just which aspect of labeling is detrimental? Are there even more subtle forms of labeling than the informal kind presented here? Can training programs help professionals to become aware of their beliefs and the eventual effect of those beliefs on clients? These and numerous other valid issues could each be the subject of a separate investigation, yet the broader approach selected here was purposeful. The dearth of literature on prison counseling in general and the complete absence of works devoted to the counselor-convict relationship in particular demanded a comprehensive picture of this crucial area. It was felt that before narrow topics could be isolated for deeper examination, it was necessary to first present the broad field from which these topics could be chosen. Thus, a compromise was achieved between a too superficial look at the entire area of prison counseling and a too constricted look at a single question within that area. The form of this compromise was to address the question: Which aspects of the inmate-counselor relationship might ultimately affect recidivism rates? A summary of the elements of this relationship will begin to reveal the answer to this question. These elements include the counselee, the counselor and the communication between them.

The shape a relationship will take and the unique facets of an individual can never be known until the two parties meet and begin to interact. Thus, it might seem a waste of effort to try to "prepare" a counselor by discussing client background. This would be accurate were it not for the fact that as open to new knowledge as a counselor might try to be, he or she may occasionally respond on the basis of inaccurate hunches, false presuppositions or misinterpretations. In order to prevent such occurrences, an effort was made to dispel stereotypes of felons.

One stereotype may arise from making the false inference from crime statistics that all criminals are tough, hardened, mean. It was therefore shown that index crimes include both violent and property crimes. Reports usually give a single "crime rate." When this is higher than previous rates it is most often because of increases in property crimes rather than in violent ones. Other factors, too, such as changes in reporting practices to and by police, affect published rates even though incidence may not have changed. Further, a large minority of inmates are serving time for "victimless" crimes, not even included in the "serious" category. In contrast, certain criminals who seldom receive titillating headlines and even less often receive prison terms may be more vicious than their peers in the penitentiary. These include the leaders of organized crime, white collar criminals and even people within the government. A look at the inmate population lays the

final blow to the presupposition that most criminals are violent. Although a very small proportion of perpetrators are caught and the more violent ones are the most likely to be apprehended, nevertheless, the majority of offenders are imprisoned for non-violent property crimes.

With this false image cast aside, the counselor is more receptive to the wide range of characteristics to be found in prisoners. Within the inmate culture the expected gruffness and celebration of masculinity are encountered, but so are poetry, art and sensitivity. In the realm of personality, the usual assessment of behavioral deficits on the part of prisoners is noted, but experts also give arguments to support the contention that inmates are indeed "normal," and this paper includes sketches of character that are worthy of esteem.

It was shown in Chapter 5 that a study of the counselor's function in the correctional institution is inseparable from a close exploration of the counselor's attitudes and values. Thus, the next focus of examination is on the helper. The inquiry begins with a presentation of the modus operandi of the majority of professionals to date and it discusses the dangers of that approach. In preparation for specialized processing--which convicts seldom receive--they are examined and classified. This generally serves to strip them of their dignity, not only in their own eyes but in those of their "helpers." Because they are seen in this way, it is easy to treat them as objects. This position is

made even easier by the notion that criminals ought to be treated in this way because they have relinquished their right to dignity by their acts. An argument can be made that we have all committed criminal acts of one sort or another. At what point do we decide who is "more" criminal than his fellow? Throughout history the notion of moral superiority to one's fellow has justified immoral treatment of him. It is hardly fitting and proper that a helping professional be the one to pass judgment on his neighbor. Let that be left to the courts. These professionals again may argue that they do not intend to demean their client but they feel that they know what is "right" for him better than he does--after all, they are the experts and he has clearly gotten himself into trouble. It is so easy to slide into this way of thinking, but it is actually only a more subtle form of the superiority argument.

Certainly, there are no easy answers. Is it possible to treat the retarded non-paternalistically? Is it within human nature to develop an egalitarian attitude towards the heartless felon? Perhaps the answer is, "No" to both questions, but if one begins by assuming total responsibility for choosing goals and methods himself, then the most humanitarian path has not been chosen. There are times when confronted with a particularly difficult problem that suggesting the old refrain, "If it works, use it," might be the only option. This is not the same as using that refrain as the norm. It is the same as using it as a

last resort after having explored every other option in which the self respect and dignity of the counselee have been preserved. This argument can become infinitely long; it probably began when man first began helping--and passing judgment on--his fellow man. Suffice it to say that these are moral questions lacking simple answers. Each counselor must understand his own values and choose a path which allows him to practice them.

The paper concludes with a central concept in developing a relationship with convicts around which numerous applied examples are given. The concept is that the differences in perception usually found between two individuals are heightened in the case of prisoner and helper. This is partly due to their respective differences in personal history, but also because the fact of imprisonment tears a person from his familiar frame of reference and provides in its place a culture with a set of ready answers and world views which are frequently at variance with those of free individuals. These differences in perception require self disciplined counselor effort to overcome. Several techniques which assist in these efforts are discussed and specific situations in which they are put into practice are described. These include active listening, contextualizing the response, non-judgmental clarification requests, personal disclosure, straightforwardness, preparedness for and minimization of the importance of manipulation, recognition of limitations in making commitments,



toleration of hostility, respect for privacy and refusal to allow oneself to adopt an all-purpose persona.

If it is true that the relationship between helper and helpee not only is an essential component of treatment but may even be the only crucial ingredient in that treatment--even when "treatment" means preparing an offender to lead a "straight" life--then the prison counselor should strive to create the optimum relationship with his incarcerated client. And, if those professional behaviors which enhance rather than detract from the dignity and worth of the client do indeed facilitate a healthy relationship, then the overwhelming conclusion to this paper must be that the counselor must exert himself at all times to treat his clients in this manner. This refers to such steps as abolishing stereotypes regarding prisoner personality and replacing them with an openness toward the surprise that is each human being. It also means refusal to accept a stereotype of oneself as defined by the job title, but rather to present oneself towards the counselee as another unique being who doesn't have all the answers, but who cares. Specific procedures such as those listed in the preceding paragraph can translate these attitudes into behaviors.

These conclusions, however, may be of no use in a world in which the prison counselor does not make policy but rather must follow policy often in contradiction to his personal beliefs, in a world in which helping professionals

process papers rather than people, in a world in which the reinforcements for the helper may be too few to continue the struggle. Therefore, more is needed than what has been presented in this paper. This includes:

1. Continuing the investigation of the criminal justice system according to the model followed in this paper.
2. Attempting to behaviorally define those counselor interactions which create the most beneficial relationship with inmates.
3. Increasing the number of helpers in the prison through lay volunteerism, graduate internships, professional recruitment, and guard training.
4. Following up released offenders with whom well prepared counselors had been working.

The conclusion stated above and these recommendations constitute urgent steps to be taken if a world is to be created in which the streets are safe and potentially productive lives are not wasted in the bitter cycle of hatred that is crime-imprisonment-and more crime.

## BIBLIOGRAPHY

### 1. Books

- American Friends Service Committee. Struggle for Justice: A Report on Crime and Punishment in America. New York: Hill and Wang, 1971.
- Bauer, Raymond A., ed. Social Indicators. Cambridge, Mass.: M.I.T. Press, 1966.
- Behan, Brendan. Borstal Boy. New York: Alfred A. Knopf, 1959.
- Berne, Eric. Games People Play. New York: Ballantine Books, 1964.
- Brown, Phil, ed. Radical Psychology. New York: Harper Colophon, 1973.
- Clark, Ramsey. Crime in America: Observations on Its Nature, Causes, Prevention and Control. New York: Simon and Schuster, 1970.
- Clark, Richard X. The Brothers of Attica, ed. Leonard Levitt. New York: Links Books, 1973.
- Cleaver, Eldridge. Soul on Ice. New York: McGraw-Hill, 1968.
- Combs, Arthur W., Donald L. Avila, and William W. Purkey. Helping Relationships: Basic Concepts for the Helping Professions. Boston: Allyn and Bacon, 1974.
- Duffee, David, and Robert Fitch. An Introduction to Corrections: A Policy and Systems Approach. Pacific Palisades, California: Goodyear, 1976.
- Ellis, Albert, and Robert A. Harper. A Guide to Rational Living. North Hollywood: Melvin Powers/Wilshire, 1975.
- Frankl, Viktor E. Man's Search for Meaning: An Introduction to Logotherapy. New York: Touchstone, 1959.

- Goffman, Erving. Asylums: Essays on the Social Situation of Mental Patients and Other Inmates. New York: Anchor Books, 1961.
- Goldfarb, Ronald L., and Linda R. Singer. After Conviction. New York: Simon and Schuster, 1973.
- Griswald, H. Jack, Mike Misenheimer, Art Powers, and Ed Tromanhauser. An Eye for an Eye. New York: Holt, Rinehart and Winston, 1970.
- Halleck, Seymour L. The Politics of Therapy. New York: Perennial Library, 1971.
- . Psychiatry and the Dilemmas of Crime: A Study of Causes, Punishment and Treatment. New York: Harper and Row, 1967.
- Hardy, Richard E., and John G. Cull, eds. Group Counseling and Therapy Techniques in Special Settings. Springfield, Ill.: Charles C Thomas, 1974.
- Hawkins, Gordon. The Prison: Policy and Practice. Chicago: University of Chicago Press, 1976.
- Hosford, Ray E., and C. Scott Moss, eds. The Crumbling Walls. Urbana, Ill.: University of Illinois Press, 1975.
- Jacobs, James B. Stateville: The Penitentiary in Mass Society. Chicago: University of Chicago Press, 1977.
- Kassebaum, Gene, David Ward, and Daniel Wilner. Prison Treatment and Parole Survival: An Empirical Assessment. New York: John Wiley, 1971.
- Krumboltz, John D., and Carl E. Thoresen, eds. Behavioral Counseling: Cases and Techniques. New York: Holt, Rinehart and Winston, 1969.
- Levy, Leonard W., ed. The Challenge of Crime in a Free Society: Perspectives on the Report of the President's Commission on Law Enforcement and the Administration of Justice. New York: Da Capo Press, 1971.
- Lindner, Robert M. Rebel Without A Cause: The Hypnoanalysis of a Criminal Psychopath. New York: Grune and Stratton, 1944.
- McCafferty, James A., ed. Capital Punishment. New York: Lieber-Atherton, 1973.
- Menninger, Karl. The Crime of Punishment. New York: Viking Press, 1969.

- Mitford, Jessica. Kind and Usual Punishment. New York: Alfred A. Knopf, 1973.
- Murton, Tom, and Joe Hyams. Accomplices to the Crime. New York: Grove Press, 1969.
- Osborne, Thomas Mott. Society and Prisons: Some Suggestions for a New Penology. Montclair, N.J.: Patterson Smith, 1975.
- Rogers, Carl R. On Becoming a Person. Boston: Houghton Mifflin, 1961.
- Skinner, B. F. Beyond Freedom and Dignity. New York: Bantam, 1971.
- . Contingencies of Reinforcement: A Theoretical Analysis. New York: Appleton-Century Crofts, 1969.
- Sykes, Gresham M. The Society of Captives: A Study of a Maximum Security Prison. Princeton, N.J.: Princeton University Press, 1958.
- Szasz, Thomas S. Law, Liberty and Psychiatry. New York: Collier, 1963.
- Ullmann, Leonard P., and Leonard Krasner. A Psychological Approach to Abnormal Behavior. Englewood Cliffs, N.J.: Prentice-Hall, 1969.
- Wicker, Tom. A Time to Die. New York: Quadrangle/New York Times Book Co., 1975.
- Wright, Erik Olin. The Politics of Punishment: A Critical Analysis of Prisons in America. New York: Harper Torchbooks, 1973.

## 2. Periodicals

- Arcaya, José. "The Multiple Realities Inherent in Probation Counseling," Federal Probation, XXXVII (December, 1973), 58-63.
- Bartollas, Clemens. "Sisyphus in a Juvenile Institution," Social Work, XX (September, 1975), 364-368.
- Buder, Leonard. "Half of 1976 Murder Victims Had Police Records," New York Times, August 28, 1977.
- Chang, Dae H., Charles H. Zastrow and Donald L. Blazicek. "Inmates' Perception of Significant Others, and the Implications for the Rehabilitation Process," International Journal of Criminology and Penology, III (February, 1975), 85-96.

- Cichosz, Joan. "The Human Side of the Addict," Crime and Delinquency, XX (January, 1974), 54-57.
- Clear, Val, and Scott Clear. "Horizons on the Criminal Justice System," Crime and Delinquency, XX (January, 1974), 25-32.
- Coombs, Orde. "The Trashing of Le Mans: The New Civil War Begins," New York, August 8, 1977, pp. 43-45.
- "Crime and Punishment in America: The Proceedings of a Center Conference on New Crime Law," The Center Magazine, IV (May/June, 1971), 6-47.
- Danto, Bruce L. "Psychiatric Treatment of Violent Patients in Private Practice," International Journal of Offender Therapy and Comparative Criminology, XIX, No. 1 (1975), 67-74.
- Dudar, Helen. "The Price of Blowing the Whistle," New York Times, October 30, 1977.
- Dunleavy, Steve. "Pupils Beat Up 132 Teachers: Assaults Up 300% This Year," New York Post, October 31, 1977.
- Fink, Ludwig, J. Peter Martin, and Gerald Burke. "Correctional Treatment of Offenders in the USA: Its Possibilities and Limitations," International Journal of Offender Therapy and Comparative Criminology, XVI, No. 1 (1972), 35-43.
- Footlick, Jerrold K., et al. "Children and the Law," Newsweek, September 8, 1975.
- Fortas, Abe. "The Case Against Capital Punishment," New York Times, January 23, 1977.
- Gallagher, Dorothy. "A Murder in Morningside Park: After the Verdict a Juror Returns to the Scene," New York Times, August 28, 1977.
- Goetting, Victor L. "Some Pragmatic Aspects of Opening a Halfway House," Federal Probation, XXXVIII (December, 1974), 27-29.
- Guze, Samuel B., Donald W. Goodwin, and Bruce J. Crane. "Criminal Recidivism and Psychiatric Illness," American Journal of Psychiatry, CXXVII (December, 1970), 832-835.
- Harsh, Robert. "Inside Attica," Christianity and Crisis, XXXII (May 29, 1972), 127-138.

Henry, Diane. "Ex-Convict Charged in 9 Slayings in Fire: Man, 27, Held in Connecticut Deaths of Foster Brother's Family," New York Times, July 24, 1977.

Holland, James G. "Behavior Modification for Prisoners, Patients, and Other People as a Prescription for the Planned Society." Paper presented at the meeting of the Eastern Psychological Association, Philadelphia, April, 1974.

Hutchins, Robert M. "The Limits of Law and Order," The Center Magazine, IV (May/June, 1971), 2-4.

Illson, Murray. "2 Men Convicted of 3 Rape-Killings of Elderly Women," New York Times, December 19, 1976.

Kandell, Jonathan. "Sweden's Progressive Jails Failing to Curb Repeaters," New York Times, September 5, 1977.

Llewellyn, J. Bruce, and Adam Walinsky, "Blackout Lessons," New York Times, July 31, 1977.

Loney, Rob. "Counterpoint," In: A Magazine About Prisons, Fall, 1973 [Iowa City].

Lyons, Richard. "Fuzzy Crime Statistics," New York Times, September 18, 1977.

May, Eugene P. "Quantity or Quality in Dealing with Human Problems," Personnel and Guidance Journal, XLIX (January, 1971), 376-382.

Morgan, Ted. "They Think, 'I Can Kill Because I'm 14': A Case Study in a Juvenile Justice System That Neither Protects the Victims Nor Helps the Rising Number of Violent Youth," New York Times, January 19, 1975.

Neil, Thomas C. "The Counselor in the Local Jail," Journal of Rehabilitation, LXXVIII (January-February, 1972), 22-24.

New York Post, August 11, 1977.

New York Times, March 31, 1977.

———, April 8, 1977.

———, July 17, 1977.

———, August 9, 1977.

———, November 13, 1977.

[New York State Department of Correctional Services] Cor-  
rectional Services News, March, 1976.

Oelsner, Lesley, "Burger Asks Review of U.S. Sentencing;  
Decries Disparities," New York Times, January 2, 1977.

Pati, Gopal C., Raymond D. Curran, and Gus Wilhelmy.  
"Operation DARE--Help for the Ex-Offender," Business  
Horizons, XVI (October, 1973), 51-57.

Phillips, Elery L., et al. "Achievement Place: Behavior  
Shaping Works for Delinquents," Psychology Today, June,  
1973, pp. 101-108.

Polivchak, Phillip. "Lesson in Industry-Education Partner-  
ship," American Vocational Journal, XLIX (February,  
1974), 49-52.

President's Commission on Law Enforcement and Administra-  
tion of Justice. The Challenge of Crime in a Free  
Society. Washington: Government Printing Office, 1967.

Raab, Selwyn. "Pimps Establish Recruiting Link to the Mid-  
west," New York Times, October 30, 1972.

———. "Sharp Rise Reported for Serious Crimes in All  
Five Boroughs," New York Times, April 10, 1977.

———. "Stiff Antidrug Laws Held No Deterrent," New  
York Times, January 2, 1977.

———. Raab, Selwyn. "33% Slain in New York Don't Know  
Killer," New York Times, June 13, 1976.

Roe, Allan V., Robert J. Howell, and I. Reed Payne. "Com-  
parison of Prison Inmates with and without Juvenile  
Records," Psychological Reports, XXXIV (June, 1974),  
1315-1319.

Rosenblatt, Ellen and Cyril Greenland. "Female Crimes of  
Violence," Canadian Journal of Criminology and Correc-  
tions, XVI (April, 1974), 173-180.

Roth, Loren H., and Frank R. Ervin. "Psychiatric Care of  
Federal Prisoners," American Journal of Psychiatry,  
CXXVIII (October, 1971), 424-430.

Sadoff, Robert L., Hermann A. Roether, and Joseph J.  
Peters. "Clinical Measure of Enforced Group Psycho-  
therapy," American Journal of Psychiatry, CXXVIII  
(August, 1971), 116-119.



- Schmideberg, Melitta. "Offender Therapy as a Tool of Research: An Anglo-American Study," International Journal of Offender Therapy and Comparative Criminology, XVI, No. 1 (1972), 61-65.
- Scott, Edward M. "Treatment Successes with Criminals," International Journal of Offender Therapy and Comparative Criminology, XXI, No. 1 (1977), 11-17.
- Schumach, Murray. "Crime Statistics: A Numbers Game," New York Times, February 4, 1968.
- Shearer, Robert A. "Correctional Counseling and Therapy: An Emerging Field," Texas Personnel and Guidance Association Journal, II (September, 1973), 129-135.
- U.S. Judicial Conference Committee on Administration of the Probation System. Papers Delivered at the Institute on Sentencing for United States District Judges, Denver, Colorado, February, 1964. St. Paul, Minnesota: West Publishing, 1964.
- Watson, John Severson. "Four Worlds," In: A Magazine About Prisons, Fall, 1973 [Iowa City].
- Weisman, Steven R. "City Constructs Statistical Profile in Looting Cases," New York Times, August 14, 1977.
- Whiteside, Thomas. "Annals of Crime: Dead Souls in the Computer--I," New Yorker, August 22, 1977, pp. 35-65.
- Wicker, Tom. "A City in Fear of Crime," New York Times, December 19, 1976.
- Willmer, M. A. P. "On the Estimation of the Number of Persons Entering and Leaving Crime Annually," Journal of Research in Crime and Delinquency, VIII (July, 1971), 175-181.
- Wilson, James Q. "Lock Em Up," New York Times, March 9, 1975.
- Wittmer, Joe, James E. Lanier, and Max Parker. "Race Relations Training with Correctional Officers," Personnel and Guidance Journal, LIV (February, 1976), 302-306.
- "The Youth Crime," Time, July 11, 1977, pp. 18-19, 25-28.